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प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या वाली जाती हैं जिससे कि यह प्रलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

नोटिस

NOTICE

भीचे लेखे भारत के असाधारण राजपत्र 29 जुलाई, 1968 तक प्रकाशित किये गये।

The undermentioned Gazettes of India Extraordinary were published up to the 29th July, 1968 :—

Issue No.	No. and Date	Issued by	Subject
258	S. O. 2616, dated 23rd July, 1968.	Ministry of Commerce	Amendment to the notification No. S. O. 739, dated 22nd February 1968.
259	S. O. 2617, dated 23rd July, 1968.	Ministry of Information and Broadcasting.	Approval of the films as specified therein.
260	S. O. 2618, dated 23rd July, 1968.	Cabinet Secretariat.	Further amendments in the Government of India (Allocation of Business Rules, 1961).
261	S. O. 2619, dated 24th July, 1968.	Ministry of Commerce.	The Export of P. V. C. Leather Cloth (Inspection) Amendment Rules, 1968.
262	S. O. 2694, dated 24th July, 1968.	Do.	The Cotton Textiles (Control) Second Amendment Order, 1968.
263	S. O. 2695, dated 25th July, 1968.	Do.	Quality Control and pre-shipment inspection of ceramic products.

Issue No.	No. and Date	Issued by	Subject
264	S. O. 2696, dated 25th July, 1968.	Ministry of Finance.	Extending up to the 31st day of August 1968, the period within which the declaration referred to in sub-section (7) of Section 17 of the Gold (Control) Ordinance, 1968, shall be made.
265	S. O. 2697, dated 26th July, 1968.	Ministry of Commerce	Further amendment to the Exports (Control) Order, 1968.
266	S. O. 2698, dated 26th July, 1968.	Ministry of Finance.	The Gold (Control) Ordinance (Removal of Difficulties) Order, 1968.
267	S. O. 2699, dated 26th July, 1968.	Election Commission of India.	Biennial election to the Council of States by the elected members of the Haryana Vidhan Sabha.
268	S. O. 2700, dated 29th July, 1968.	Ministry of Information and Broadcasting.	Approval of the film as specified therein.

ऊर लिवे ग्रासाधारण राजात्रों को प्रतियां प्रकाशन प्रबन्ध : विविल लाइन्स, दिल्ली के नाम मांगात्र भेजने पर भेज दी जायेंगी। मांगात्र प्रबन्ध के नाम इन राजात्रों के जारी हने की तारीख से 10 दिन के अन्दर रहने जाने आहिए।

Copies of the **Gazettes Extraordinary** mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these **Gazettes**.

भाग II—खण्ड ३—उत्तरण (ii)

PART II—Section 3—Sub-section (ii)

(रक्त दंपत्ति को छोड़ कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़ कर) के क्रमाय प्राधिकरणों द्वारा जारी किए गए विधिरुप आवेदनों और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 27th July 1968

S.O. 2755.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order pronounced on the 12th April, 1968, by the High Court of Judicature at Allahabad in Election Petition No. 19 of 1967.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.
CIVIL SIDE

ORIGINAL JURISDICTION

Dated Allahabad the 12th April, 1968

PRESENT:

The Hon'ble K. N. Srivastava, Judge.

ELECTION PETITION NO. 19 OF 1967

Shri B. P. Maurya

Vs.

Shri Prakash Vir Shastri

BY THE COURT

The facts giving rise to this election petition are as follows:

B. P. Maurya, the petitioner, was a candidate for the Parliamentary seat from 79 Hapur Parliamentary Constituency which shall hereafter be referred to as 'Parliamentary Constituency'. Respondents Nos. 1 to 7 were the rival candidates of B. P. Maurya from this Parliamentary Constituency. The last date for filing nomination was 20th January, 1967. The date of scrutiny was 21st January, 1967. The last date for withdrawing the nomination was 23rd January, 1967 while the date of polling was 17th and 19th February, 1967. This Parliamentary Constituency comprised of 391 Ghazlabad, 392 Muradnagar, 393 Modinagar, 394 Hapur (Scheduled Caste) and 395 Garhmukhteshwar Legislative assembly constituencies. B. P. Maurya fought this election on the ticket of the Republican Party. He was a sitting Member of the Parliament. Prakash Vir Shastri was an independent candidate. It is alleged that he was supported by Jan Sangh and Hindu Mahasabha. The election symbol of B. P. Maurya was elephant while the election symbol of Prakash Vir Shastri was lion. Prakash Vir Shastri secured 1,49,943 votes while B. P. Maurya secured 1,01,875 votes. Shri Nasim who was a Swatantra Party candidate secured 34,274. Smt. Kamla Chaudhary who was Congress candidate secured 33,988 votes. As a result of the aforesaid counting Prakash Vir Shastri was declared elected by the Returning Officer on 24th February, 1967. The petitioner preferred this election petition on grounds of corrupt practice and canvassing votes on grounds of religion, caste and community. Respondent No. 1 was alleged to have promoted feelings of enmity between the caste Hindus, on the one side, and the Scheduled Class and the Muslim voters on the other side. According to the petitioner, Prakash Vir Shastri knew that he would not be able to secure votes of the Muslims and, therefore, he set up Nasim so that he could divide the Muslim votes of B. P. Maurya. It was contended in the petition that B. P. Maurya had the solid support of the Scheduled Class and the Muslim votes as the Republican Party stood for the social and economic development of the landless labour, cultivators and other backward classes.

K. Narendra is the Editor of two Hindu Dailies 'The Vir Arjun' and 'The Pratap' which are published from Delhi. K. Narendra is said to be a Arya Samajist. Prakash Vir Shastri is also an Arya Samaj Preacher. K. Narendra supported the candidature of Prakash Vir Shastri in this election and used the columns of his aforesaid two papers to make false propaganda against the personal character of B. P. Maurya. These papers also indulged in making false propaganda in support of the candidature of Prakash Vir Shastri by creating feelings of hatred between the caste Hindus and Scheduled Class. In his election meetings Prakash Vir Shastri was alleged to have used the cow as a religious symbol. He propagated that Maurya was an agent of Pakistan and the Pakistan Radio supported his cause. It was alleged that Prakash Vir Shastri, his workers and supporters further propagated that if Maurya who was a Christian and had support of the Mohammadans was elected, he would get a large number of slaughter houses opened and this would injure the religious feelings of the caste Hindus. Maurya was also charged by Prakash Vir Shastri and his workers to have raised slogans creating hatred between the caste Hindus and the Scheduled Class whereas Maurya and his workers or supporters never raised such slogans in his support during the election propaganda. The real contest was alleged to have been between B. P. Maurya, petitioner and Prakash Vir Shastri respondent No. 1 and Prakash Vir Shastri knew that B. P. Maurya was a formidable candidate and, therefore, he committed corrupt practice to defeat Maurya. The election meetings of Maurya were disturbed. His election offices were attacked. His workers and supporters were beaten. His election literature, flags and other election paraphernalia were destroyed and burnt. These methods are alleged to have

been adopted by Prakash Vir Shastri only to stop the socially and economically backward and exploited classes from going to the poll and exercising their right of franchise. According to the petitioner, a systematic appeal was made by Prakash Vir Shastri and his workers on the basis of caste, creed and community. All these corrupt practices were committed by Prakash Vir Shastri himself and by his workers, supporters and agents with the consent of Prakash Vir Shastri. The aforesaid Hindu Dailies vomited venom against Maurya. An attack was made on the personal character of Maurya in the election meetings which were addressed by Prakash Vir Shastri and his supporters. The Press was also used to malign the personal character of Maurya. The details of the places where the election meetings of Maurya were disturbed and his election offices were attacked was given in the petition and the Schedules attached with the petition. The details of the meetings where inflammatory speeches were made and in which the personal character of Maurya was attacked was also given in the petition and the Annexures attached thereto. The voters who supported the candidature of B. P. Maurya are alleged to have been attacked and belaboured and threatened on large scale and such a reign of terror was created in the constituency that Scheduled Class, Muslims and Labour were deprived of their right of franchise. This was done with the consent and knowledge of Prakash Vir Shastri.

The respondent No. 1 contested this election petition. He denied all the allegations contained in the petition. He stated that he believed in the free and peaceful election and had directed his workers, agents and sympathisers and supporters not to indulge in any corrupt practices mentioned under section 123 of the Representation of People Act. He denied to have made any attack on the personal character of Maurya or to have said that Maurya was a Christian or a spy of Pakistan, a cow killer or casting vote in his favour might amount to an insult to the caste Hindus. He denied to have canvassed votes on the ground that Maurya raised slogans which were liable to incite bad blood between the caste Hindus and the Scheduled Class. Prakash Vir Shastri denied that he, his workers or supporters attacked any election office of Maurya or assaulted his workers there. According to Prakash Vir Shastri all the allegations about the attack on election officers offices, the assault on workers, tearing and burning the election literature, party symbol and flags of Maurya stopping the voters from going to the polling station and threatening them were false. On the pleadings of the parties the following issues were framed:

1. Whether the petitioner has complied with the provisions of sub-section (3) of section 81 of the Representation of People Act regarding the copies of the petition. If not, its effect?
2. Whether the petition is barred by limitation in view of the amendments in verification and the supplementary affidavits?
3. Whether respondent No. 1 or persons mentioned in the petition, with his consent, committed the corrupt practices of undue influence as contemplated by sub-section (2) of section 123 of the Act as alleged?
4. Whether daily newspaper 'Vir Arjun' and 'Pratap' worked as mouthpiece of respondent No. 1 and propagated for him with his consent as alleged?
5. Whether Sri K. Narendra, the Editor of these two papers supported respondent No. 1 and worked and canvassed for him with his consent as alleged?
6. Whether appeals were made by the respondent No. 1 or the persons mentioned in the petition with his consent, using cow as a religious symbol or on grounds of religion in the name of cow as alleged?
7. Whether respondent No. 1 or persons mentioned in the petition, with his consent, made appeal to the electors on grounds of religion, caste and community, or used religious symbol as alleged and thereby committed the corrupt practice as contemplated by sub-section (3) of section 123 of the Act.
8. Whether respondent No. 1 or persons mentioned in the petition, with his consent, promoted and attempted to promote feelings of enmity and hatred between the other castes of Hindus on the one hand, and Scheduled Castes and Muslims on the other, on grounds of religion, caste and community as alleged and thereby committed the corrupt practice contemplated by sub-section 3A of section 123 of the Act.
9. Whether respondent No. 1 or the persons mentioned in the petition with his consent published statement of facts, which are false and which they believed

to be false or did not believe to be true, in relation to the personal character and conduct of the petitioner, as alleged, and thereby committed the corrupt practice contemplated by sub-section (4) of section 123 of the Act?

10. Whether respondent No. 1 or persons mentioned in the petition, with his consent, conveyed voters freely in motor vehicles hired or procured, as alleged, and thereby committed the corrupt practice as contemplated by sub-section (5) of section 123 of the Act?

11. Whether respondent No. 1 incurred expenditure unauthorised by the Act in contravention of section 77 of the Act, as alleged and thereby committed the corrupt practice as contemplated by sub-section (6) of section 123 of the Act?

12. Whether the respondent No. 1 or persons, mentioned in the petition with his consent committed the corrupt practice of bribery as contemplated by sub-section (1) of section 123 of the Act as alleged?

13. Whether the election staff and the police on election duty acting in collusion with respondent No. 1 committed mal-practices at the election to the prejudice of the petitioner, as alleged. If so, its effect?

14. Whether the election staff withheld the parliamentary Ballot papers from illiterate voters and then marked their votes for respondent No. 1, as alleged. If so, its effect?

15. Whether the petitioner's voters were not given ballot papers at all as alleged. If so, its effect?

16. Whether the polling agents of the petitioner were refused admission to the polling stations and beaten by the agents of respondent No. 1, as alleged. If so, its effect?

17. Whether the allegations against the respondent No. 5 are false or vexatious to the knowledge of the petitioner. If so, whether the respondent No. 5 can be allowed special costs?

18. To what relief, if any, is the petitioner entitled?

19. Whether the copies placed under sealed cover are forged copies of the petition as alleged by the petitioner?

Findings

Issue No. 1.

Prakash Vir Shastri contended that B. P. Maurya, petitioner did not comply with the provisions of section 81(3) of the Representation of People Act as the copies of the election petition which were supplied to him had not been attested by Maurya under his signature to be the true copy of the petition. On the other hand, B. P. Maurya contended that he had fully complied with the provisions of section 81 (3) of the Representation of the People Act. Both the parties led oral and documentary evidence in support of their respective contention. B. P. Maurya stated that after the election petition was drafted by his counsel, Shri K. L. Grover, it was typed out and the election petition with all its annexures along with 7 copies, one for each of respondent, duly attested by him to be the true copy of the petition, were handed over to the Stamp Reporter and the Stamp Reporter after satisfying himself made a note on the petition that the provisions of section 81 had been complied with. The above report of the Stamp Reporter, Sri Jamuna Prasad, is dated 7th April 1967. It reads as below:

"One stamp Rs. 5/. Court fee paid is sufficient. Time upto 10th April, 1967. Properly drawn up and is in compliance with section 81, 82, 83 and 111 of the Act. Requisite.

Dt. 7th April 1967.

(Sd.) JAMUNA PRASAD,

Stamp Reporter."

Sri Jamuna Prasad was also examined by B. P. Maurya in support of his alleged statement. Shri Jamuna Prasad, the then Stamp Reporter, stated that when the original election petition was presented to him he wrote the above report, after satisfying himself that the provisions of aforesaid sections 81, 82, 83 and 111 of the Representation of People Act had been complied with. He further stated that he examined all the 7 copies which the petitioners had filed along

with the petition and found that the provisions of section 81(3) had been fully complied with by him. B. P. Maurya also examined Sri B. M. Verma, the clerk of Sri K. L. Grover. He also supported Maurya on the above point and stated that section 81(3) of the Act had been complied with in all the 7 copies which had been attached to the petition. The petitioner also examined Rajendra Pal Singh respondent No. 6 and Kali Charan, respondent No. 5. The provisions of section 81(3) had been complied with on the copies which were sent to these two respondents along with summons. It is also proved from the evidence on the record that except in case of Prakash Vir Shastri the provisions of section 81(3) of the Representation of People Act had been duly complied with on the copies of petitions which were sent to other respondents along with their respective summonses.

The question which now poses itself is as to why the provisions of section 81(3) of the Representation of People Act were not complied with on the copy of the petitions which were sent to respondent No. 1 who was the main contestant in the case. B. P. Maurya had challenged his election and he could not have afforded to supply one defective copy when he had supplied the other copies on which the provisions of section 81(3) of the Act had been duly complied with. Maurya knew that Prakash Vir Shastri was the real contestant and, therefore, he could not afford to commit such a glaring legal mistake. It is proved from the evidence on the record that besides the aforesaid 7 copies of the election petition some other copies of the same were supplied by Maurya to the office concerned. The possibility of one uncertified copy being sent to Prakash Vir Shastri on account of the mistake of the office cannot be ruled out. However, it is due to any mistake of the office a copy on which the provisions of section 81(3) had not been complied with was sent to Prakash Vir Shastri, Maurya cannot be held responsible for the same because he had supplied 7 copies of the petition, and its annexures with due compliance sec. 81(3) of the Act to the office when he presented the election petition in this Court.

Learned counsel for respondent No. 1 argued that because Prakash Vir Shastri received a copy of the petition which was defective in so far as the provisions of section 81(3) of the Act had not been complied with on it, therefore, the election petition was liable to be rejected. It was argued that the provision of section 81(3) of the Representation of People Act was mandatory and its non-compliance went to the root of the matter and, as such, the petition was liable to be dismissed. I do not agree with this contention because it is proved from the evidence on record that Maurya had complied with the provisions of the aforesaid section and as such the above argument has no force in it.

Issue No. 2.

This issue was framed on the objection raised by the respondent No. 1 in his written statement. The learned counsel for respondent No. 1 did not press this issue and, therefore, it is decided in the negative.

Issue No. 3.

This issue relates to corrupt practices mentioned under section 123 of the Representation of People Act. In para 11 clause (vi) of the petition it was mentioned that Republican Party stood for safeguarding the interest and aspiration of economically backward and exploited classes, therefore, respondent No. 1 knew that he would not get support from the voters of the aforesaid classes and, as such it was his strategy in the election to divide the Muslim voters of Maurya by setting up a Muslim candidate and to secure votes of the caste Hindus by making systematic propaganda on the basis of religion, caste and community and to prevent the socially backward and exploited Landless Labour, agricultural labour and agricultural class of voters from exercising their right of franchise by beating them, threatening them and exercising undue influence on them. In accordance with the aforesaid strategy certain corrupt practices were committed by respondent No. 1, his supporters, workers and agents on such a large scale that it created a reign of terror and a large number of supporters of Maurya were deprived of their right of franchise, I shall now take up these instances one by one to see as to how far the petitioner has been able to prove any of them.

In paragraph 11 (sub-paras xix to xxlii) allegation was made that on 7th February, 1967, a meeting was organised in the Town Hall Maidan, Hapur, in support of the candidature of Prakash Vir Shastri. This meeting is alleged to have concluded at about 9.30 p. m. It is alleged that this meeting was addressed by Prakash Vir Shastri, K. Narendra and Basant Rao Oak, a Jan Sangh Leader. According to the petitioner's case such inflammatory speeches were delivered in

that meeting that a section of the audience under the leadership of Babu Ram of village Simbhawali attacked the Hapur office of Republican Party, assaulted workers, tore papers, posters, flags, abused B. P. Maurya and threatened the workers. The respondent No. 1 vehemently denied to have addressed any such meeting at Hapur on 7th February, 1967. According to respondent No. 1 on the aforesaid date an election meeting was held in support of the candidature of Smt. Kamla Chaudhary, a Congress candidate.

In support of this occurrence the petitioner relied on his statement and the statements of Nanak Chand (P.W. 24), Bal Kishun (P.W. 25), Mohendra Kumar Gupta (P.W. 26), Tullan (P.W. 27), Nand Kishore (P.W. 28), Naththi Singh (P.W. 29), Piarey Lal Nimesh (P.W. 30), Dal Chand Nimesh (P.W. 71), Kundan Lal (P.W. 74) and Jang Bahadur Ral (P.W. 75). Piarey Lal Nimesh was one of the workers attached to the Republican Party's election office, Hapur. He stated that at 9 or 9.30 P.M. 50 or 60 persons came to his office shouting the slogans that "Prakash Vir Shastri Zindabad" and "Maurya Murdabad". They entered the office and tore away the papers, flags, placards. Similar statement was made by Dal Chand Nimesh who was the Secretary of Zila Republican Party, Meerut. He was also present at the aforesaid Hapur office that day and was incharge of the office. He sent a report of the occurrence telegraphically to the District Magistrate. The matter was taken up by Maurya who wrote to the Election Commission about the aforesaid high handedness of the workers of Prakash Vir Shastri. He also sent to the commission a copy of the report which Dal Chand had made. The fact that the office of the Republican Party at Hapur was attacked by workers of Prakash Vir Shastri that day would very much depend on the fact whether an election meeting was held that day which was addressed by Prakash Vir Shastri. K. Narendra and Basant Rao Oak because according to the petitioner's allegations inflammatory speeches were delivered by the aforesaid speakers that day inciting the mob to the extent that they went to the Hapur office of the Republican Party and caused damage and assaulted the workers there. In support of the fact that a meeting was held in support of the candidature of Prakash Vir Shastri that day at Hapur the petitioner relied on the statements of P.Ws. 24, 25, 26, 27, 28 and 29. Reliance was also placed on the news item published in 'The Vir Arjun' dated 3th February, 1967 and 'The Hindustan' dated 8th February, 1967. In the issue of the Hindustan of the aforesaid date which has been marked Ex. 28, the first paragraph of the news translated in English reads :

"Hapur 7th February.—Yesterday night a big meeting was organised in support of Prakash Vir Shastri, a candidate for Lok Sabha from Hapur Ghazlabad Constituency. The meeting was addressed by Sri Narendra, editor of 'Vir Arjun' and 'Pratap' who said that the present Congress had on different occasions insulted the nation. May it be about the attack by China or the demand of grain from foreign countries. The Congress had created a state of hunger in the country and it was appropriate time to take revenge.

In other columns it was mentioned that in the meeting certain personal attacks were made on B. P. Maurya stating that Pakistan Radio made propaganda on his behalf.

The learned counsel for the petitioner argued that the statements of the aforesaid witnesses were fully corroborated by the aforesaid news item published in the issue of 'Hindustan' dated 8th February, 1967, marked as Ex. 28. In the issue of 'Vir Arjun' dated 8th February, 1967, marked as Ex. 23, there was a news item that an election meeting was organised at Hapur on 7th February, 1967 and it was addressed by K. Narendra who criticized the Congress Party and the policy of Maurya in making poisonous propaganda of hatred between the caste Hindus and the Harijan. It was contended on behalf of respondent No. 1 that there was intrinsic evidence on the record to show that no meeting in support of the candidature of Prakash Vir Shastri was held in the Town Hall Maidan, Hapur, on 7th February, 1967. In support of this contention reliance was placed on Exs. A2, A12, A13 and A14 and certain other facts and circumstances of the case. Ex. A12 is an application by one Lakkhi Ram who was a Congress worker. He sought permission from the Municipal Board for holding a meeting on 7th February, 1967 in the Town Hall Maidan, Hapur. The carbon copy of the permission is Ex. 13. It has come in the statement of Rameshwar Prasad Goel (D.W. 18) who was then superintendent, Municipal Board, Hapur that a person applying for permission to hold a meeting in the Maidan had to pay certain charges towards the use of the electricity. Ex. A14 is a receipt for payment of Rs. 5/-. This shows that Lakkhi Ram paid this amount for having held the meeting that day. A-2 is a copy of the General Diary of thana Hapur dated 7th February, 1967.

According to this paper Ram Rakshpal, constable, was sent to the Town Hall Maidan, Hapur, to make arrangement in connection with a meeting which was to be addressed by Sri Kailash Prakash. This paper supports the statement of Bhagwati Prasad Jain (D.W. 16) that on 7th February, 1967, a Congress election meeting was held in the Town Hall Maidan Hapur, and it was addressed by Sri Kailash Prakash, Smt. Kamla Chaudhary and others. He stated that this meeting continued upto 8.30 P.M. According to the petitioner the meeting which was alleged to have been organised by Prakash Vir Shastri continued right upto 9 P.M. Thus it was not believable that two meetings were going on in the Maidan by two rival candidates simultaneously. A perusal of the aforesaid translation of the news item given in Ex. 28 would go to show that the meeting in support of the candidature of Prakash Vir Shastri was held on 6th February, 1967, and not 7th February, 1967, as alleged by the petitioner because the use of the word "Kal" leaves no room for doubt that the meeting was held on 7th. In Ex. 23 the news about the holding of the meeting in support of the candidature of Prakash Vir Shastri on 7th February 1967 is dated 7th, but it does not go to show that it was held that day. The other papers and evidence, referred to above, go to show that no meeting, in support of the candidature of Prakash Vir Shastri, was held in the Town Hall Maidan, Hapur, that day. In this very connection it was argued that the fact that Prakash Vir Shastri did not contradict the news item which was published in 'Vir Arjun' dated 8th February, 1967 went a long way to show that he addressed the meeting at Hapur that day. Prakash Vir Shastri stated that this news item was not brought to his notice and as such he had no occasion to contradict it. I have no reason to reject the statement of Prakash Vir Shastri on the above point because there was absolutely no evidence that this news item was brought to the notice of Prakash Vir Shastri or that Prakash Vir Shastri used to visit any library or place where the issues of 'Vir Arjun' were placed for reading. It is true that 'Vir Arjun' had circulation within this Parliamentary Constituency but the circulation of this paper in the Constituency would not be enough to show that actually this issue of 'Vir Arjun', marked Ex. 23, came to the notice of Prakash Vir Shastri. The other part of the story, namely, the attack on the office of the Republican Party, Hapur, that night becomes very doubtful, after arriving at the finding that no meeting was held in the Town Hall Maidan, Hapur, in support of the candidature of Prakash Vir Shastri that day. According to the petitioner's case, the attack was made on the office of Republican Party as a result of the inflammatory speeches delivered by Prakash Vir Shastri, Basant Rao Oak and K. Narendra. If no such meeting was held the possibility of the aforesaid attack being made as a result of inflammatory speeches could not be believed.

There are other facts and circumstances which also go to show that the allegation about the attack on the office of the Republican Party is not worthy of credence. Ex. 13 is the report which Dal Chand Nimesh (P.W. 71) lodged at the thana. There is no mention in this report that any meeting was held in support of the candidature of Prakash Vir Shastri and from that meeting a section of the audience under the leadership of Babu Lal Simbhwali Wala came to attack the office. A reading of this report would show that this alleged occurrence was not related with any prior election meeting organised by the supporters of Prakash Vir Shastri.

B. P. Maurya forwarded the report of Dal Chand to the Election Commission, New Delhi, with his forwarding letter, Ex. 12. Even in this forwarding note no mention was made that as a result of inflammatory speeches made in the meeting the workers and supporters of Prakash Vir Shastri attacked his election office at Hapur.

Nanak Chand (P. W. 24) stated that in the aforesaid meeting Maurya was called a Pakistani agent or that he equated Ganges water with urine. According to him, the speakers told the audience that the Pakistan Radio was making propaganda in Maurya's favour. The statement of Nanak Chand does not inspire confidence. He stated that he attended the other election meetings but did not remember the gist of the speeches made by the speakers in those meetings. Similar statements were made by Bal Kishun and Mahendra Gupta. Even in Ex. Ka. 23 and Ka. 28 there is no mention that any such attacks, as referred to above, were made against the personal character of Maurya.

Ex. 22 is an editorial published in 'Vir Arjun' dated 7th February, 1967. Ex. 20 is an editorial published in 'Pratap' dated 7th February, 1967. K. Narendra is the editor of these vernacular papers. In both these editorials an appeal was published in support of the candidature of Prakash Vir Shastri. The learned counsel for the petitioner argued that K. Narendra was an Arya Samajist and as Prakash Vir Shastri was also an Arya Samajist therefor K. Narendra made

speeches in support of the candidature of Prakash Vir Shastri and these speeches were made in the presence of Prakash Vir Shastri, therefore, for all intents and purposes K. Narendra would be deemed to be an agent of Prakash Vir Shastri. In this very connection it was also alleged that the editorials written by K. Narendra in these two papers were freely distributed by Prakash Vir Shastri in the aforesaid meeting at Hapur and, therefore, it would be inferred that these editorials were written by K. Narendra with the consent of Prakash Vir Shastri. I have already held that no such meeting was held at Hapur on 7th February, 1967 and, therefore, the question of distribution of these papers by Prakash Vir Shastri in that meeting does not arise. If for argument's sake it is admitted that the election office of Republic Party at Hapur was attacked by certain persons on 7th February, 1967 even then the petitioner failed to prove that the miscreants were workers, agents and supporters of Prakash Vir Shastri or they did so with his consent. Babu Ram admitted that he was a resident of Simbhawali and was worker of Prakash Vir Shastri. It might be argued that as Babu Ram an agent of Prakash Vir Shastri and as he was one of the persons who attacked the election office of Maurya at Hapur, therefore, it should be inferred that he and the other miscreants did so with the knowledge and instigation of Prakash Vir Shastri. Babu Ram denied to have ever gone to the election office of Maurya at Hapur or to have assaulted his workers there and to have torn or destroyed any election material which was kept there. I have no reason to discard the testimony of Babu Ram on the above point. The petitioner has, therefore, failed to prove that any incident of attack on the election office of the Republican Party at Hapur, if at all made, was made with the consent or instigation of Prakash Vir Shastri.

The next incident is alleged to be that of Simbhawali which took place on 9th March 1967. According to the petitioner, that day at about 2 P.M. about 150 students came to the election office of the Republican Party situated at Simbhawali raising slogans that "Maurya Murdabad". This mob entered the office and destroyed election materials there. They also threatened the workers of B. P. Maurya. In support of this occurrence the petitioner examined Deo Dutt Harit (P. W. 40) and Ram Lal (P. W. 41). In support of the above oral testimony of Deo Dutt Harit and Ram Lal the petitioner also relied on Ex. 33, the F.I.R. which was lodged at the thana. Deo Dutt Harit stated that after this attack he went to the election office of Maurya at Hapur and the workers there advised him to lodge a report at the thana. The report, referred to above, was lodged at the thana Garhmukhteshwar by Deo Dutt Harit on 11th February 1967. He also went to the Principal of the College and made a complaint to him about the rowdy behaviour of the students. There was no mention in the report that the mob was raising any slogan. Deo Dutt Harit admitted that he complained to Murari Lal who was Principal of the College on 10th February, 1967. The reason given by him was that due to fear of students he could not go to the Principal on the day of the occurrence. Harit went to Hapur which was 15 miles from Simbhawali but did not go to the Principal or to the thana that day. No satisfactory reason was given by Harit as to why the report Ex. 33 was not lodged at thana Garhmukhteshwar on the day of the occurrence. Ram Lal's evidence does not inspire confidence. According to him, it was just a chance that he was present in the election office of Maurya at Simbhawali that day.

As against this the respondents examined Murari Lal (D. W. 2) and Begraj (D. W. 17). Begraj stated that he did not go to the election office of the Republican Party, Simbhawali, on the day in question nor did he tear the posters, placards, and flags which were kept there. Murari Lal stated that no one came to him on 10th February, 1967 to complain to him that his students had committed any mischief in the election office of the Republican Party at Simbhawali. Murari Lal is a responsible person. I have no reason to reject his testimony. Even if it is admitted that any attack was made at Simbhawali election office of the petitioner on 9th February 1967, the petitioner failed to prove that it was made with the consent or instigation of respondent No. 1.

The third occurrence is said to have taken place at Chhajjupur on 2nd February 1967. The allegation regarding this occurrence are detailed in para 11, sub-paras xix to xxiii and annexures E. F. G. It was alleged therein that on 2nd February, 1967 an election meeting was organised in support of the candidature of Maurya and when Maurya addressed the meeting certain supporters of Prakash Vir Shastri created disturbance in the meeting with the result that the meeting could not be continued. The supporters of Prakash Vir Shastri are alleged to have chased B. P. Maurya and would have assaulted him if he had not hurriedly retreated from there in his car. In support of this occurrence the petitioner relied on the statement of Shri Prakash (P. W. 10), M. C. Agarwal (P.W. 14), Kunwar Tej Pal (P.W. 18), Hari Singh (P.W. 20) Nanak Chand (P.W. 21), Naththi Singh (P.W. 22)

and Devi Dayal Sen (P.W. 63). As against this the respondent No. 1 examined D. Ws. 17, 38, 39, and 40 in support of his contention.

There is one salient point which will throw considerable light on the correctness and otherwise of the occurrence of Chhajjupur and, therefore, before dealing with the statements of the aforesaid witnesses I would like to discuss the same. As soon as the news was brought to Maurya about the attack on his election office at Hapur on 7th February 1967 he wrote to the Election Commission and asked the Commission to take steps so that such occurrences might not be repeated. But strangely enough when he was himself attacked, insulted and stopped from speaking at his meeting at Chhajjupur no report was made by him at the thana or to the Election Commission, New Delhi. The reason given by Maurya was that a report of the occurrence was lodged at the thana by his supporters and, therefore, there was no need for him to lodge any other report about this occurrence. A report by Maurya himself should have been more important than one made by Naththi Singh, a worker and that too on 3rd February, 1967. According to the statements of the aforesaid witnesses who were examined by the petitioner, earlier Prakash Vir Shastri, Begraj and others went to the house of Ram Swarup Mukhiya where they held a meeting which was attended by certain persons including Kunwar Tej Pal. In that meeting it was decided to attack Maurya who was to address a meeting there and not to allow him to do so. The statement of Kunwar Tej Pal Singh (P.W. 18) on the above point does not inspire confidence. According to the petitioner, he was one of the confidants of the respondent No. 1 if so, I fail to understand why he changed allegiance and appeared as a witness for the petitioner to support his case. If Tej Pal Singh was not a man of confidence of Prakash Vir Shastri I do not think Prakash Vir Shastri and his supporters would have taken him in confidence in hatching a plot to assault Maurya that day. I have persued the statements of Hari Singh, Nanak Chand and Naththi Singh. Their statements do not inspire confidence. Naththi Singh lodged the report at the thana a day after the occurrence. Maurya was alleged to have been chased and he escaped being assaulted by hurriedly leaving the place in his car. Maurya is an advocate in Supreme Court. He admitted that he was conversant with the election law. In spite of this, Maurya did not lodge a report at the thana about this occurrence. The reason given by him for not doing so is not a satisfactory one.

In this very connection reliance was placed on the issue of 'Patriot' dated 5th February, 1967. There is a news item in this paper: "Meerut dated February 4: An attempt was made on the life of B. P. Maurya at Chhajjupur when he went there to address a meeting". According to this message, the miscreants were raising slogans in support of the candidature of Prakash Vir Shastri. The learned counsel for the petitioner argued that this news item fully supported the statements of the aforesaid witnesses. Mahesh Chandra Agarwal (P.W. 14) was a representative of 'Patriot' at Meerut who sent this news for publication. He stated that he was not present in the meeting at Chhajjupur and on enquiry, the Senior Superintendent of police Meerut, told him that a report, had been lodged about Chhajjupur occurrence and on this very basis he sent the above report. The correctness of the report, therefore, cannot be taken to be correct. The learned counsel for the petitioner contended that even if the Correspondent had not seen the occurrence, the report given by him could be used as corroborative evidence. The Correspondent gave this news item on the basis of hearsay information and was not examined to swear the correctness of the same. In view of this no presumption can be raised about the correctness of this news item. The only presumption which can be made will be that this news item was published in 'Patriot' dated 5th February, 1967. Now the question arises as to whether the news item can be used as a corroborative evidence without the correctness of its contents being proved by any legal evidence. The learned counsel for the petitioner argued that this news item was sent to the Press by Agarwal who was the Correspondent of 'Patriot' in the regular course of his business and, therefore, it would be used as a corroborative evidence although the correctness of its contents was not proved by evidence. If this argument is accepted it may result in serious complications and legal difficulties. This will amount to this even a false news item given to the Press might be claimed as a corroborative piece of evidence of oral statement which too may not be correct. Instances are not wanting to where a tilted version of an occurrence is sent to the Press by interested persons. It will, therefore, be unsafe to rely on the news items, the correctness of which might be doubtful as corroborative evidence of the statements of witnesses. Under section 81 of the Evidence Act a presumption is made about the genuineness of newspaper and journal besides other papers and documents mentioned in that section. A plain reading of this section clearly indicates that the presumption

has to be drawn about the genuineness of the paper meaning thereby that it is the copy of a newspaper of a particular name and that it was issued from that newspaper or journal. No presumption under section 81 can be made about the correctness of a particular news item unless the person who sent the news item to the Press was examined to prove the source from which he got it and unless it was established that the source was such which could be relied upon. In this very connection it was also argued that Agarwal sent this news to the office of 'Patriot' in the regular course of business. Certain presumption of acts done in regular course of business are made under section 16, section 32(3) and section 114 of the Evidence Act. Under Sec. 32 Evidence Act a statement made by a person in ordinary course of business or in the discharge of professional duty is admissible in evidence provided the person who made the statement was dead. Section 32(3), therefore, does not apply to the facts of this case. A reading of section 114 Evidence Act would show that the presumptions which are drawn under this section do not cover the facts of the instant case. Under section 16 of the Evidence Act the presumption is drawn about a particular act provided it was proved that in existence of a course of business it would naturally have been done. Illustrations A and B to this section go to show that this section is also not applicable for raising a presumption that the news item sent by Aggarwal in 'Patriot' cannot be used as a corroborative evidence of the statements of the petitioner unless the correctness of its contents is proved. After scanning the evidence which was adduced by the petitioner about the correctness of Chhajjupur incident I am of opinion that the petitioner failed to prove beyond all reasonable and probable shadow of doubt that the occurrence at Chhajjupur took place as alleged by him. The petitioner has further failed to prove that the occurrence of Chhajjupur, if any, was committed by the workers or supporters of Prakash Vir Shastri with his consent and knowledge. Prakash Vir Shastri stated that he was not present at Chhajjupur on 2nd February 1967. His evidence on this point is corroborated by the statements of Begraj, Ram Swarup, Hemraj and Babu Ram. Believing this evidence I, therefore, hold that Prakash Vir Shastri did not go to Chhajjupur on 2nd February 1967 nor did he hold any meeting there with any one to hatch up a plot to disturb the election meeting of Maurya or to attack him or his workers.

The next incident is alleged to have taken place at Village Khurana on 2nd February 1967. The details of this occurrence have been mentioned in para 11 sub-paras xix to xxiii of the petition. The only statement on this point is that of the petitioner. No other evidence as led in support of the allegations contained in the aforesaid sub-paras. Maurya stated that after attending the meeting of Chhajjupur he had to attend an election meeting at Khurana and when he proceeded towards Khurana he found that ditches had been dug on the road and it was not possible for his car to pass by that road. He further stated that the persons present there informed him to return as there was a danger to his life. No report was made by B. P. Maurya to the authorities concerned about this corrupt practice of causing hindrance in his election propaganda. There being no corroboration of the statement of Maurya on the point I am reluctant to act on his solitary evidence. I, therefore, hold that the petitioner failed to prove this occurrence.

The next occurrence is said to have taken place at Rajhera on 30th January 1967. The details of this incident is given in sub-paras XLI of XLII of paragraph 11 of the petition and Schedule IV attached to the petition. About this occurrence the petitioner examined himself Har Pal Singh (P.W. 37), Ram Charan (P.W. 38) and relied on Ex. 34. According to Harpal he along with Ram Charan and Buttu was going to attend an election meeting of Maurya at Rajhera when some workers of Prakash Vir Shastri stopped them and one Padam gave a spear blow on his head. This witness managed to reach the place where the meeting was being held and from there he was taken to the thana in the Jeep of Mansab Ali. Mansab Ali was examined as P.W. 62. He did not know about the assault on Harpal Singh. According to Harpal Singh he was assaulted by one Padam. Ram Charan stated that Harpal Singh was assaulted by one of the companions of Padam. There is nothing in the evidence of Ram Charan to connect Padam or his companions with Prakash Vir Shastri. B. P. Maurya stated that he saw the injuries on the head of Harpal Singh. The statement of Harpal Singh is corroborated by the F.I.R. Ex. 34, which was lodged by him at thana Bahadurgarh. If this evidence is taken at its face value there is nothing on the record to show that the assailants of Harpal were workers, supporters or agents of Prakash Vir Shastri or that they assaulted Harpal with the consent of Prakash Vir Shastri.

The next occurrence is said to have taken place at Abdullaipur on 8th February 1967. The details of this occurrence have been given in sub-para XLIV of paragraph 11 of the petition and Schedule V. In support of this incident the

petitioner examined Bodh Bharti, Ganga Sahai and Basanta. Ex. 10 is the report of this occurrence which was lodged at thana Haidergarh by Saheb Singh, a worker of the petitioner. Ganga Sahai, Bodh Bharti and Basanta stated that from Hapur they were going to Abdullapur with election lists when Bahal Singh and some persons stopped them from going to Abdullapur. They assaulted him and took away the paper which he was carrying with him. Basanta too was assaulted by the above persons. Both of them stated that the assailants were wearing badges of the symbol of lion. It cannot be denied that there was another candidate in this Constituency with their symbol as lion and he was seeking election for the Assembly Seat. Simply because Bahal and his companions were wearing badges with the symbol of lion it cannot be said that they were workers of Prakash Vir Shastri. Taking the evidence about this occurrence at its face value I am of the opinion that the petitioner has failed to prove that Bahal and his companions were workers, agents or supporters of Prakash Vir Shastri or they assaulted Bodh Bharti, Ganga Sahai and Basanta with the consent of Prakash Vir Shastri. No evidence was led about the allegations in paragraph 11 sub-para XLV.

The next occurrence is said to have taken place at Khilwai on 16th February 1967 and 17th February 1967. About the occurrence of 16th February 1967 the petitioner examined himself and Sohan (P.W. 68). Sohan is resident of village Khilwai. He stated that Tyagis of his village went from door to door and threatened Jatav voters that if they did not vote to the candidate whose symbol was lion they would be severely dealt with. Paper No. A-52 is a report which was lodged at the thana under the signatures of certain persons with the allegation that Tyagis of their village had been threatening them that if they did not cast their votes in favour of the candidate whose symbol was lion also they would be severely dealt with I have perused that statement of Sohan. His evidence does not inspire confidence. The statement of the petitioner about this occurrence is not based on personal knowledge. Besides this, there is nothing to show that the Tyagis who gave threat to Sohan and his other neighbours were workers, supporters and agents of Prakash Vir Shastri. As observed earlier, one candidate for the Assembly Seat was also having his symbol as lion. Even if the statement of Sohan is taken at its face value it was possible that the persons who threatened them might have been workers and supporters of the other candidate who was seeking his election to the Assembly Seat with lion as symbol. The petitioner has failed to connect Prakash Vir Shastri with the aforesaid occurrence.

As regards the occurrence which took place at Khilwai on the date of polling i.e., 17th February, 1967 the petitioner examined Sohan (P.W. 63). Chatru (P.W. 60) and Mansab Ali (P.W. 62). Ex. A-1 is the report which was made about this occurrence. The respondent No. 1 examined Sheo Charan Singh, Chandan Singh, Chhabil Das Alwadi P.Ws. 19, 20 and 24 respectively. Ex. A-1 which B. P. Maurya's alleged to have handed over to the Presiding Officer at Khilwai it was mentioned therein that the election staff and the police were openly siding Prakash Vir Shastri and not allowing the landless labourers who were his voters to exercise their right of franchise. This report was written by the petitioner on his personal knowledge. He stated that he reached Khilwai Polling Station at about noon and saw there some persons stopping Scheduled Caste voters from casting their votes. He further stated that these persons were wearing badges, and, therefore, he concluded that they were workers of Prakash Vir Shastri. I have already discussed in earlier part of this judgment that simply because a person was wearing a badge with a symbol of lion it would be unsafe to infer that he was worker of Prakash Vir Shastri. Besides this, if the voters were being stopped by the workers and supporters of Prakash Vir Shastri there was no reason why this fact was not mentioned by B. P. Maurya in his report, Ex. A-1. No satisfactory explanation was given by Maurya for this omission. Sohan (P.W. 68) and Chitru (P.W. 69) were stopped from casting their votes at Khilwai Polling Station. They did not make any complaint to the Presiding Officer. If they were really prevented from casting their votes they ought to have made a written report to the Presiding Officer concerned. Their statements do not inspire confidence.

From the statements of witnesses examined by respondent No. 1 it is proved that the polling at Khilwai Polling Station passed off peacefully. Aliwadi was examined as D.W. 24. He proved his diary Ex. A-15 and his form Ex. A-16. In his diary Aliwadi clearly mentioned that the polling at Khilwai Polling Station passed off peacefully and no untoward occurrence happened there. Aliwadi is an independent witness. He had no reason to make wrong entry in his diary. He denied the suggestion of the defence in cross-examination that any complaint was

made to him regarding the allegations about corrupt practice. He also stated that the complaint, Ex. A1, was not brought to his notice and was never handed over to him. There is nothing on record to show that the above report was handed over to any of the Presiding Officers of Khilwai Polling Station. The petitioner has, therefore, failed to prove by any cogent and convincing evidence that Jatav or any other voters were stopped at Khilwai Polling Station from casting their votes on 17-2-1967.

The next occurrence is said to have taken place at Nagola on 18-2-1967 and 19-2-1967. Nagola is a village within the circle of Badhnauli Polling Station. In support of the occurrence which took place at Nagola on 18-2-1967 the petitioner examined Chawwa (P.W. 15), Mool Chand (P.W. 19) and Thawariya (P.W. 20). Both of them stated that on 18th February, 1967, Prakash Vir Shastri came to the baithak of Sheoraj Singh and collected a number of persons there who were all Tyagis by caste. There he asked the Tyagis to stop the Jatav voters from going to the Polling Station to cast their votes. Tyagis agreed to act accordingly. They called Thawariya to make the announcement in the village by beat of drum and the Muslims, Chamar, Bhangi and Jatav voters would not be allowed to go to the polling station on the next day to cast their votes. Thawariya corroborated the statements of the above witnesses. Chawwa, Mool Chand are Jatav by caste. Thawariya is a Bhangi by caste. From their statements it appears that they are interested persons. Prakash-Vir Shastri stated that he did not go to Nagola on 18-2-1967. His statement is supported by the statements of other witnesses. I have carefully sifted the evidence on this point. The statements of Chawwa, Mool Chand and Thawariya do not inspire confidence.

The evidence about the occurrence dated 19th February, 1967, is that of Shamshad Elahi, Hari Singh, Chawwa, Mool Chand, Dr. Satya Prakash Saxena and S. I. Sukhbir Singh. Reliance was also placed on the injury report (Ex. 30), the F.I.R. (Ex. 31), and the copy of the General Diary (Ex. 35). On behalf of respondent No. 1 reliance was placed on the statements of Suraj Bhan (D.W. 4), Piarey Lal (D.W. 12), Sewak Ram (D.W. 13), R. K. Agarwal, Senior Marketing Inspector, Meerut, examined as D.W. 33. Shamshad Elahi was a worker of the petitioner. Some persons informed him that the voters were not being allowed to cast their votes freely at Rampur and, therefore, he went to the Republican Party office at Hapur to make a report about the above incident. At Hapur he was informed that the voters of Badhnauli were not being allowed free exercise of franchise. From there he went to Nagola which was at a distance of 3 or 4 furlongs from Badhnauli Polling Station. While he was returning from the village certain persons assaulted him for being a worker of Maurya. He lodged a report of this occurrence at the Thana. His injuries were medically examined. In the report Shamshad Elahi mentioned that he was assaulted by Sewak. In his statement he said that he was assaulted by Sewak, Suraj Bhan and others. The manner in which he came to know the names of these persons was very interesting. After he had run away to a certain distance he enquired a person who was scraping grass there as to who were his assailants and that person then told him that Sewak and Suraj Bhan were his assailants. Vireshwar Tyagi, an M.L.A. who was also a supporter of Maurya stated that he went to Badhnauli and saw that Jatava and Muslim voters of Badhnauli were not being allowed to cast their votes and they were assaulted by workers and supporters of Prakash Vir Shastri. According to Vireshwar Tyagi he made a complaint to the Sub-Inspector who did not take any notice but subsequently at the intervention of the district authorities that Sub-Inspector went to Nagola to bring the voters who had been detained there. Shamshad Elahi also made almost a similar statement. Vireshwar Tyagi did not make any written report to the district authorities or to the Presiding Officers that Jatav voters were being stopped or prevented from casting their votes. Mahendra Singh Verma stated that he reached Badhnauli at about noon and in his presence Prakash Vir Shastri reached there and asked one of his workers as to why Harijans were being allowed to cast their votes and it was then that the workers of Prakash Vir Shastri chased and Harijan voters who ran away. Mahendra Singh did not lodge any report about this corrupt practice, specially when it was being committed by respondent No. 1 himself. He did not even tell the workers and supporters of Maurya at Badhnauli Polling Station what he had seen and heard there. According to him he mentioned this fact to Vireshwar Tyagi and none else. After perusing the statement of Mahendra Singh Verma I am of the opinion that his statement does not inspire confidence. It is true that Shamshad Elahi was assaulted, while he was returning from Nagola to Badhnauli by certain persons but the petitioner failed to prove that the person who assaulted him were workers and supporters of Prakash Vir Shastri or that they did so with his consent. R. K. Agarwal (D.W. 33) was a Presiding Officer at Badhnauli Polling Station. He was a Senior Marketing Inspector, Meerut.

His form is Ex. Ka. 12. He stated that no voters from Haldernagar or Nagola were brought to the polling station under police escort. He further stated that Harijan and Chamar voters, freely exercised their right of franchise. He repelled the suggestion that Jatav voters were brought to the polling station under the protection of police. From his evidence it appears that the voting at Badhnauli polling station passed off peacefully and no complaint was made to him that the voters were being prevented from casting their votes or female voters were teased there.

The above statement of R. K. Agarwal is also corroborated by the statement of S. I. Sukhbir (P.W. 80). He stated that certain persons were sitting on the roadside between Badhnauli and Nagola but they ran away on seeing the police party. There is nothing on the record to show that these persons were workers and supporters of Prakash Vir Shastri. Sukhbir Singh was definite on the point that no one had stopped any Harijan voter at Nagola from going to the Polling Station Badhnauli and casting his vote there. According to his evidence even at Badhnauli no voter was prevented from casting his vote. He further stated that no one complained to him that the voters were being stopped from casting their votes or undue pressure was being put on them. He was definite on the point that votes were polled freely and peacefully during the time he was at the polling station. The statement of this witness, therefore, corroborates the statement of R. K. Agarwal. Believing the evidence of the witnesses examined by respondent No. 1 as well as Sukhbir Singh (P.W. 80) I hold that no voter was stopped at Badhnauli for Nagola from casting his vote. The petitioner has failed to prove that Prakash Vir Shastri went to Badhnauli and incited his supporters and workers to stop Harijan, Muslim or Jatav voters from casting their votes. I have no reason to reject the testimony of Sukhbir Singh on this fact.

The next occurrence is alleged to have taken place at Bankhanda Polling Station on 19th February 1967, the date of the polling. The allegation about this occurrence is mentioned in para 11 sub-para L11 of the petition. In support of this incident the petitioner relied on the statement of Vireshwar Tyagi (P.W. 65) and Ex. 18. Vireshwar Tyagi stated that on 19th February, 1967 he received information at Hapur that Harijan and Muslim voters at Bankhanda were being stopped by workers and supporters of Prakash Vir Shastri from exercising their right of franchise. On this information Vireshwar Tyagi went to Bankhanda and saw that Muslim and Harijan voters were being stopped from casting their votes. He met the Sub-Divisional Magistrate and told him that this corrupt practice should be stopped. He admitted that the aforesaid S. D. M. was the Returning Officer of Hapur Assembly Constituency. He admitted in cross examination that he did not lodge any written report about this corrupt practice to the authorities concerned. The explanation given by him was that it was the concern of Maurya to make a report and, therefore, instead of lodging any written report he gave this information to him. Vireshwar Tyagi fought the election for the Meerut Cantt Assembly Seat on the ticket of Samyukt Socialist Party. According to him his party, Communist Party, the Republican Party and the Forward Block had entered into a pact to support the candidates set up by each party and not to oppose such a candidate. It does not stand to reason that Vireshwar Tyagi who was conversant with the election law did not lodge a written report with the election authorities that voters were being stopped from casting their votes. Ex. Ka 18 also does not, in any way, go to prove this incident. As against this, the respondent No. 1 examined Anup Singh (D. W. 21), Banarasi Das (D.W. 22), Om Prakash Verma, Block Development Officer, Hardip Singh Bhatia, Assistant Branch Manager, L.I.C., Surendra Saxena, S.D.M. Jyde, Meerut, who was the Presiding Officer at Bankhanda Polling Station. The diary of Om Prakash Verma is Ex. A-17 and the form which he prepared there is Ex. A-18. The diary of Hardip Singh Bhatia is Ex. A19 and the form is Ex. 20. The diary of Surendra Saxena is Ex. A-21 and the form is A-22. All these witnesses stated that the polling at Bankhanda passed off peacefully and without any untoward happening. Their statements are corroborated by the entries in their respective diaries. They corroborated the statements of Anup Singh and Banarasi Das that no voter was stopped from casting his vote and the voting at the aforesaid polling station passed off peacefully. Believing the statements of the aforesaid witnesses who were examined on behalf of respondent No. 1 I hold that the petitioner failed to prove that any voter was stopped at Bankhanda Polling Station from casting his vote or any corrupt practice was committed there by the respondent No. 1 at the date of polling.

The next occurrence is said to have taken place at Opehra Polling Station on 19th February 1967. The details of the allegations about this occurrence have been mentioned in paragraph 11, Sub-paragraph LIV of the election petition. In support

of this occurrence the petitioner examined Durga Das (P.W. 58). Durga Das stated that he was Polling agent of the candidate whose symbol was elephant but he was not allowed by the Tyagis of his village to work as such. He named Ram Prasad, Sukha, Pallav and Basant as the persons who stopped the voters from casting their votes. Ram Prasad stated that while he and some other voters were going to Opehra Polling Station to cast their votes certain persons stopped them and threatened them. He named Ram Chander, Kaley, Raghunandan and Om Prakash as the persons who stopped him and other Jatava from going to the Polling Station to cast their votes. These witnesses did not state that the persons named by them were workers, supporters or agents of Prakash Vir Shastri. Even if their statements are taken at their face value there is no evidence whatsoever that the persons who stopped them and their companions from casting their votes were helpers, supporters, agents and workers of Prakash Vir Shastri. Their statements do not connect Prakash Vir Shastri with the corrupt practice alleged by them in their statements.

As against this the respondent No. 1 examined Basant Singh (D.W. 14), Ram Chander (D.W. 15), Hari Prasad (D.W. 28), Irshad Ahmad (D.W. 32), and Gaurao Chandra (D.W. 34). Har Prasad and Gaurao Chandra were the Presiding Officers at Opehra on the date of the polling. Irshad Ahmad proved the diary of S. K. Kapoor, the third Presiding Officer who is now dead. These diaries are Ex. A-23, A-32 and A-29. The forms are Ex. A-24, A-32 and A-29. Har Prasad and Gaurao Chandra stated the election at Opehra Polling Station passed off peacefully and no one stopped any voter from casting his vote. Their statements about this fact are corroborated by the recital in the aforesaid General Diaries as well as the statements of D.Ws. 14 and 15, referred to above. Believing this evidence I, therefore, hold that the voters were not stopped at Opehra from casting their votes. The petitioners has thus failed to prove that any corrupt practice was committed by the respondent No. 1 or his agents, workers or supporters at Opehra Polling Station at the date of the polling.

The next occurrence is said to have taken place at Polling Station Bihuni on 17th February 1967. The allegation about this occurrence has been mentioned in paragraph 11, Sub-paragraph LVI of the petition. In support of his case about the occurrence at Bihuni the petitioner examined Badlu (P.W. 42), and Shyam Lal (P. W. 43). Reliance was placed on Ex. 6. Badlu stated that at Bihuni Polling Station the polling took place on 17th February, 1967 and on that date certain workers of Prakash Vir Shastri came to Bihuni in a car and told people not to allow the Achut voters to cast their votes. According to him, Phool, Narain, Balbir and many other persons stopped him and other scheduled class voters from going to the polling station to cast their votes. Shyam Lal stated that he was a worker of Maurya at Bihuni Polling Station and the Achut voters of Bihuni were not allowed to go to the polling station to cast their votes. The Tyagis did not allow them to do so. He stated that a report of this occurrence was then sent to B. P. Maurya under his signature and the signature of other residents. Shyam Lal admitted in cross examination that he wrote this report in the evening on 17th February, 1967, but due to mistake he put the date as 19th February, 1967. He further on tried to explain it by saying that he knew full well that the votes were polled at Bihuni on 17th February, 1967, but due to mistake he mentioned in the complaint, Ex. 6, that the afore dated was 19th February, 1967. Possibly he was not satisfied of this explanation as well and further explained it by saying that he wrote the application on 17th and as it was handed over to B. P. Maurya on 19th February therefore, he put the date in the application as 19th February, 1967. A perusal of Ex. 6 leaves room for doubt that this paper was scribed on 19th February 1967, that is, two days after the votes were polled. No reason was given by Shyam Lal as to why this report was not prepared on the date of the polling. The explanations given by Shyam Lal are very curious and they do not appeal to reason. I have perused the statements of Shyam Lal and Badlu with care and caution and I am of the opinion that their statements do not inspire confidence.

As against this, respondent No. 1 examined Phool Singh (D.W. 23). Phool Singh stated that no voter at Bihuni was stopped from casting his vote. After carefully scanning the entire evidence regarding this incident, I am of the opinion that the petitioner has failed to prove the allegations contained in paragraph 11 sub-paragraph LIV of the petition regarding the occurrence which is alleged to have taken place at Bihuni on 17th February 1967.

The next occurrence of interference with the exercise of right of franchise by voters is that of Tatarpur which took place on 19th February, 1967, the date on which votes were polled there. The allegations regarding this occurrence have been mentioned in paragraph 11, sub-paragraph LVII of the petition. In support

of the allegations about the occurrence at Tatarpur the petitioner examined Ram Das (P. W. 55), Ramji Lal (P.W. 56) and Bharat Singh (P.W. 57). In supporting of this allegation reliance was placed on Ex. Ka. 7. As against this, the respondent No. 1 examined Narpat Singh and Satyapal Singh.

Ram Das (P.W. 55) stated that a large number of Jats stopped him and other Harijan voters of his village from casting their votes. According to him, female voters were assaulted and insulted. According to Ram Das, the result of this interference was that about 200 or 250 voters went away without casting their votes. Ramji Lal stated that three or four days before the date of polling certain Jats of his village called the Jatavas to a certain *chaukai* where they were told that they had to cast their votes to the candidate whose symbol was lion. He further stated that on the date of the polling the Jats slapped and insulted certain Jatav voters with the result that they left the village due to fear and ran away to the jungle. Bharat Singh supported Ramji Lal. Ram Das stated that no written complaint was made by him to any election authority on the date of the occurrence. Similar statement was made by the other two witnesses. Ex. Ka. 7 is a report which was alleged to have been sent by certain persons to the District Magistrate, Meerut. This report is dated 24th February, 1967. No reason has been given by the aforesaid three witnesses as to why the report Ex. 7 was sent to the District Magistrate with delay of about 5 days. If the Harijan voters and Scheduled class voters of Tatarpur were stopped from casting their votes in such handed manner a report ought to have been made about in the same day. From the statements it is not proved that the persons who committed the alleged corrupt practice were in any way, connected with Prakash Vir Shastri or that they did so with his consent or knowledge. After sifting the evidence with care and caution I am of the opinion that the petitioner has failed to prove by clear and cogent evidence that any corrupt practice was committed at Tatarpur as alleged in paragraph 11, sub-paragraph LVII of the petition.

The next occurrence is said to have taken place at Datiyana on 17th February 1967. The votes of Datiyana were polled on the aforesaid date. The allegations about this occurrence were contained in paragraph 11, sub-para LX of the petition. In support of this occurrence the petitioner examined Vireshwar Tyagi (P.W. 65). Reliance was also placed on Ex. 18. I have already given my reasons in the earlier part of the judgment for not placing reliance on the statement of Vireshwar Tyagi. He stated that on 17th February 1967 he was at Simbhawali and from there he went to Datiyana Polling Station along with his wife Smt. Prakash Vireshwar Tyagi and Shanti Swarup Tyagi. He is alleged to have seen the Tyagis of Datiyana stopping Harijans from going to the polling station to cast their votes. According to him, the persons who had committed this corrupt practice were wearing symbols of lion. Smt. Prakash Vireshwar Tyagi (P.W. 53) supported her husband about the occurrence which took place at Datiyana. Sri Vireshwar Tyagi or his wife did not lodge any report with the election authorities about this corrupt practice. It will be difficult to believe that the persons who stopped the Scheduled class and Harijan voters from casting their votes were supporters of Prakash Vir Shastri simply on the ground that they were wearing badges with the symbol of lion. One of the candidates seeking election for the Assembly Seat had also lion as his symbol and, therefore, it cannot be said with certainty that the persons who were alleged to have committed the corrupt practice at Datiyana were workers of Prakash Vir Shastri.

Som Deo (D.W. 37) was worker of Smt. Kamla Chaudhary, a Congress candidate, at Datiyana Polling Station. He stated that Vireshwar Tyagi did not go to Datiyana Polling Station that day and that no Harijan voter was stopped from casting his vote at Datiyana Polling Station. Nimmagadda Venkata Rama Sastry (D.W. 29) was the Presiding Officer at Datiyana Polling Station. His diary is Ex. Ka. A-25 and the form is Ex. A-26. He stated that the polling at Datiyana passed off peacefully and no voter was stopped there from casting his vote. The statement of D.W. 29 is corroborated by the recital of the diary. Believing his evidence I, therefore, hold that no corrupt practice was committed at Datiyana Polling Station as alleged in paragraph 11, Sub-paragraph LX of the petition. The petitioner has, therefore, failed to prove that any occurrence took place in Datiyana on 17th February 1967 as alleged by him.

The last occurrence about the interference of the right of franchise of voters is alleged to have taken place at Muradpura and Janupur on the date of the polling. The allegations about this occurrence have been mentioned in paragraph 11, sub-paragraph LXII of the petition. Nain Singh was examined in support of this allegation. He stated that he was an agent of Maurya at Muradpur Janupur Polling Station and he left the Polling Station at 1 P.M. as he was turned out from there.

by Tyagis. He also stated that certain persons were impersonating other voters and when he brought this matter to the notice of the presiding Officer he did not take any notice of it. In cross examination he admitted that he did not make any application for challenging any vote nor did he deposit any fee for the same. This goes to show that his allegation about persons casting votes in the name of other voters was not worthy of credence. He did not say as to who were the Tyagis who turned him out of the Polling Station. Those Tyagis who turned him out of the Polling Station. Those Tyagis have not been connected with Prakash Vir Shastri. There is thus no evidence that the persons who alleged to have turned Nain Singh out of the Polling Station were the workers, supporters or agents of Prakash Vir Shastri. Nain Singh is an literate person and there is no reason why he did not lodge a written report with the Presiding Officer that he was turned out from the Polling Station by Tyagis. The statement of Nain Singh, therefore, does not inspire confidence. Nain Singh sent an application to B. P. Maurya on 18th February 1967. This report was prepared a day after the Polling. No reliance can be placed on it. The petitioner has, therefore, failed to prove that any corrupt practice was committed by Prakash Vir Shastri or his workers, supporters or agents at Muradpur Janupur Polling Station on the date of Polling.

In support of his contention the learned counsel for the appellant relied on a case Sheopat Singh Vs. Harish Chandra (1). In this case it was proved that the mechanically propelled vehicles of a number of friends and supporters of the successful candidate were used to take the voters to and from the Polling Station. On the basis of this evidence it was observed by Jagat Narain J. as below:

"But from the numerous instances of corrupt practice by agents which have been proved in this case, we have inferred that voters were carried by mechanically propelled vehicles with the impelled consent of the appellant. In view of this finding, the election of the appellant is void under section 100(1)(b) of the Act."

The learned council for the petitioner contended that in the instant case there were a large number of instances where the voters were stopped from casting their votes and workers and supporters of B. P. Maurya were assaulted, insulted and meetings were disturbed. Therefore, these instances would go to show that the above corrupt practice was committed on a systematic basis with the consent or at least impelled consent of Prakash Vir Shastri. This ruling does not apply to the facts of the instant case. In the instant case the petitioner has failed to prove any of the instances, referred to above. In this very connection it was argued that Prakash Vir Shastri was himself present at the time when the occurrence at Kapur, Chhajjupur, Nagola and Khilwal took place therefore, it would be inferred that these occurrences took place with his consent. The evidence adduced by the petitioner to prove the above fact does not inspire confidence and, therefore, it would not be proper to infer that any occurrence, if at all took place at those places, was committed with the express or implied consent of Prakash Vir Shastri.

As a result of the above discussion I, therefore, decide issue No. 3 against the petitioner.

Issues Nos. 4 and 5.

These issues are interconnected and, therefore, are being disposed of together. In support of these issues reliance was placed on the statements of B. P. Maurya (P.W. 1) Nanak Chand (P.W. 24), Bal Kishun (P.W. 25), Mahendra Kumar Gupta (P.W. 26), Tullan Singh (P.W. 27), Nand Kishore (P.W. 28), Natthi Singh (P.W. 29), Ami Chand (P.W. 34) Om Prakash Garg (P.W. 54) Sarju Prasad Tyagi (P.W. 61), Devi Dayal (P.W. 63), Vireshwar Tyagi (P.W. 65) and Abel Singh (P.W. 73). In support of the statements of these witnesses and learned counsel for the petitioner relied on Exs. 20 to 27. Prakash Vir Shastri admitted that he was educated at Hardwar (Gurukul). He also admitted that he believed in the principles of Arya Samaj and was a preacher of Arya Samaj. The learned counsel for the petitioner argued that K. Narendra who was an Editor of the Hindi Daily 'Veer Arjun' and the Urdu Daily 'Pratap' which were published from Delhi, was also an Arya Samajist and was a helper of Prakash Vir Shastri in his election. He is said to have used the columns of the aforesaid two Dailies in support of the candidature of Prakash Vir Shastri. It was admitted by Prakash Vir Shastri that Mahashay Krishna was the father of K. Narendra and K. Narendra was also an Arya Samajist but not a leader. According to him, he had no relations with K. Narendra. Babu Ram who was examined as D.W. 40 stated that he was an Arya Samajist and a supporter of Prakash Vir Shastri because Prakash Vir Shastri was an Arya Samajist. He further stated that he also supported the candidature of Prakash Vir Shastri because he thought Prakash Vir Shastri might be able to agitate the cow protection movement in the Parliament.

Before dealing with the statements of the witnesses I would like to deal with the documentary evidence i.e. the editorials and news items published in 'Vir Arjun' and 'Pratap' of different dates. Ex. 20 is an editorial which was published in 'Pratap' dated 7th February 1967. In the first paragraph of the editorial there is a praise of Prakash Vir Shastri as a Parliamentarian. In the next paragraph the propaganda to create difference between the caste Hindus and Harijans was deprecated and it was further mentioned that if students from Muslim University were being brought in support of one candidate then 2000 students from Ghaziabad could be thrown in the election area. Attention was also drawn to certain slogans such as "Harijan Muslim Bhai Hindu Qaum Kahan sey Aai" "Brahman Nai Lala En Sabon Ka Munh Kala" "Jat Gujar Rajput En per Bajey Joot" and the public was warned not to be influenced by such propaganda. There was mention in this editorial that one of the workers of Maurya equated urine with Ganges water and he should make public apology for such utterances.

Ex. 21 is news item published in "Vir Arjun" dated February, 5, 1967, to the effect that a blg public meeting was held at Modinagar where Shastri was garlanded with garlands made of currency notes. There was a further mention that Shastri's real opponent was Republican candidate who tried to creat a feeling of hatred between Harijans and caste Hindus. There was a further mention that there was a rumour that some students were called from Aligarh in support of the candidature of Maurya and that the responsible persons were of opinion that if the aforesaid students did not stop their activities something would have to be done in counteract the same. Ex. 22 is the editorial published in 'Vir Arjun' dated 7th February, 1967. It is almost the same as Ex. 20.

Ex. 23 is another news item published in 'Vir Arjun' dated 8th February, 1967. This news item is to the effect that K. Narendra, the editor of 'Vir Arjun' made a speech at Hapur in support of the candidature of Prakash Vir Shastri in which he criticised the congress policy and the conduct of B. P. Maurya in spreading dissatisfaction and hatred between Harijans and caste Hindus. Ex. 24 is a news item published in the issue of 'Vir Arjun' dated 10th February, 1967. It is about a meeting which was held in support of the candidature of Prakash Vir Shastri at Modinagar wherein the Congress' food policy was criticised. Ex. 25 is a news item published in the daily Jan Sangh meeting which was held at Ghaziabad under the presidentship of P. Chandra wherein the Congress' policy of taxation was criticised. Ex. Ka. 26 is a news item published in 'Vir Arjun' dated the 17th February, 1967. It is about a meeting which was held in support of the candidature of Prakash Vir Shastri where a purse of Rs. 2100/- was presented to him. In this meeting Prakash Vir Shastri as said to have attacked the Congress policy and compared the Republican party with the Muslim League party saying that the Republican party was the true copy of the Muslim League. Ex. 27 is a news item published in 'Vir Arjun' dated 19th February, 1967. It was sent by a Correspondent from Pilkhua that Swami Kripatri Ji supported the candidature of Prakash Vir Shastri because Prakash Vir Shastri supported the cow agitation movement in the floor of the Parliament. A reading of the news items Ex. 24 and Ex. 19 would go to show that there was absolutely nothing in them which could adversely affect the prospect of the election of B. P. Maurya. In the meeting mentioned in Ex. 19 and 24 only the Congress policy was criticised. In Ex. 27, as shown above, there was nothing objectionable if Karpatri Ji Supported the candidature of Prakash Vir Shastri. In the other exhibits referred to above, some references were made to B. P. Maurya that he was trying to create dissensions between the caste Hindus and the Harijans by raising slogans, referred to above. Prakash Vir Shastri denied to have ever canvassed votes on the basis of religion, caste or community. He stated that on Principle he was opposed to canvassing vote on the above lines. P.W. 34 stated that the above slogans were being raised in the meetings which were held in support of the candidature of Prakash Vir Shastri. I am not prepared to believe that Prakash Vir Shastri would raise slogans which would have undermined his prospect of election from this constituency. He would have been the last person to use any insulting language against caste Hindus in any slogans raised by him or his workers or supporters or agents.

It cannot be denied that K. Narendra is the Editor of the aforesaid two vernacular dailies. The editorials in 'Pratap' and 'Vir Arjun' dated 7th February, 1967, shall, therefore, be deemed to have been written by him. The allegation made in these editorials about the workers of Maurya comparing Ganges water with that of urine was only of an unconfirmed and hear say nature. It was, therefore, said in the editorial that if such utterance was made by any worker of Maurya suitable amends should be made. The allegation about Aligarh Muslim University students taking part in the election campaign of Maurya was not of a categorical

nautre. All that was said in the editorial was that if Muslim students were used by Maurya in support of the election Hindu students 10 times in number could also be used in the election campaign. There was no categorical allegation that actually Maurya was indulging in the aforesaid tactics except that of inciting feelings of hatred between the caste Hindus and the Harijans. There is no convincing evidence that these editorials were published by K. Narendra with the consent of Prakash Vir Shastri. The inference that these news items were published with the consent of Prakash Vir Shastri was sought to be drawn on the following grounds:—

1. Prakash Vir Shastri was an Arya Samajist and a preacher of the Arya Samaj.
2. Mahashay Krishna, the late, father of K. Narendra was also an Arya Samaj Leader.
3. K. Narendra was an Arya Samajist.
4. These editorials and news items are freely distributed to the audience in the election meetings which were addressed by Prakash Vir Shastri.
5. K. Narendra addressed certain election meetings organised in support of the candidature of Prakash Vir Shastri.

I have already discussed in the earlier part of the judgment that the petitioner failed to prove that news items mentioned in Exs. 21, 23, 24, 25, 26, and 27 were correct. The persons who sent these news items to the Press were not examined. It was not shown as to what was the source of information on which the Correspondent sent these news item to the Press. In view of the denial by Prakash Vir Shastri that any of his election meetings was addressed by K. Narendra it was all the more necessary for the petitioner to have examined the correspondents who sent this news item so that their testimony could be tested by cross examination.

The editorials published in Ex. 20 and Ex. 22 leave no room for doubt that for certain reasons K. Narendra was in favour of Prakash Vir Shastri being returned to the Parliament. Prakash Vir Shastri can also be held responsible if it is proved as a fact that these editorials were published by K. Narendra with his consent. It is well established principle of Law that the charges in election petition by a petitioner are in the nature of criminal charges and, therefore, the proof needed in support of these charges should be the same which is required to prove a criminal charge. It has now to be seen as to whether the petitioner has been able to prove that any election meeting of Prakash Vir Shastri was addressed by K. Narendra in the presence of Prakash Vir Shastri. Maurya (P.W.1) stated that he did not attend any of the election meetings of Prakash Vir Shastri. His evidence on this point is, therefore, of a hear say nature. I have already held that no meeting was held at Hapur on 7th February, 1967, in support of the candidature of Prakash Vir Shastri. The statements of Nank Chand, Bal Kishun, Mahendra Kumar Gupta, Tullan Singh, Nand Kishore and others have already been rejected by me. Their statements that the aforesaid meeting was addressed by K. Narendra therefore, do not inspite confidence. There is no other convincing evidence that any other meeting was addressed by K. Narendra in support of the candidature of Prakash Vir Shastri.

The news items, referred to above, which were published in 'Pratap' and 'Vir Arjun' have not been proved to have been published with the express or implied consent of Prakash Vir Shastri. There is absolutely no evidence that the Correspondents who sent this news item to 'Pratap' and 'Vir Arjun' were supporters, workers and agents of Prakash Vir Shastri and that they did so with the consent of Prakash Vir Shastri.

It is true that Prakash Vir Shastri is an Arya Samajist and K. Narendra is also an Arya Samajist. It is true that the father of K. Narendra was an Arya Samaj leader but simply on this ground it would be unsafe to infer that K. Narendra made any propaganda in favour of Prakash Vir Shastri with the consent of Prakash Vir Shastri or that he made any alllications against B. P. Maurya with the implied or express consent of Prakash Vir Shastri. From the above discussion it is, therefore, clear that no meeting was held at Hapur on 7th February, 1967 in support of the candidature of Prakash Vir Shastri. Therefore, the question of distribution of Exa. 20 and 22 in that meeting would not at all arise. Except the two editorials there is nothing to show that the editor of 'Vir Arjun' and 'Pratap' did any propaganda in favour of Prakash Vir Shastri in the last general

election. Kundan Lal (P.W. 74) admitted that Prakash Vir Shastri had no connection with these papers. Simply because K. Narendra chose to write editorial in one of the issues of the above two papers, it would be not fair to hold that these papers worked as mouthpiece of Prakash Vir Shastri, respondent no. 1, or that these editorials were published with his consent. Issues nos. 4 and 5 are, therefore, decided against the petitioner.

Issues nos. 6, 7 and 8.

These issues are interconnected and, therefore, they are being disposed of together. They relate to certain meetings where systematic propaganda allegedly was made by respondent no. 1 on the basis of religion, caste and community and using the cow as a religious symbol. According to the petitioner, in these meetings speeches were delivered to create feelings of enmity, hatred between the caste Hindus, on the one hand, schedule class and Muslims, on the other hand. In these meetings certain allegations were made against the personal character of Maurya which were false to the knowledge of respondent no. 1, and the other speakers who spoke in his favour. All these corrupt practices mentioned in these issues are said to have been committed with the consent of respondent no. 1. I shall, therefore, take up these meetings date-wise to see as to how far the petitioner was able to prove that these meetings were held and speeches of the type, referred to above, were made in those meeting. The first meeting is said to have been held at Hapur on 7th Dec, 1966. Respondent no. 1 admitted that a meeting was held at Hapur on 7th December, 1966 in which some persons who had offered Satyagrah in connection with the cow protection movement were welcomed after their being released from jail. According to the petitioner, in the garb of that meeting a propaganda was made in favour of respondent no. 1 who had then made a declaration of seeking election from this Parliamentary Seat. In support of this allegation the petitioner relied on the statement of Babu Ram Sharma (P.W. 50). Prakash Vir Shastri (D.W. 30) and Babu Ram Simbhawali Wala (D.W. 40) as well as a news item published in 'Vir Arjun' dated 8th December, 1966. This news item was not even formally proved by the petitioner. Besides this, a perusal of this news item would go to show that Prakash Vir Shastri was one of the speakers in the meeting which was held to welcome the Satyagrahis and during his speech he criticised the Congress policy and the action of the Government in arresting Jagat Guru Shankaracharya and in insulting the feelings of the Hindus. There was no mention in this news item that Prakash Vir Shastri even indirectly touched upon the point that he intended to seek election from this Parliamentary Constituency. Babu Ram too did not admit that any reference was made in that meeting about Prakash Vir Shastri's intention to seek election from this Parliamentary Seat. Prakash Vir Shastri denied to have said anything in that meeting about this general election. After weighing the entire evidence on this point I am, therefore, of the opinion that the statement of Babu Ram Sharma on the above point is not worthy of credence. For the above reasons I am, therefore, not prepared to believe his statement that Prakash Vir Shastri told the audience in that meeting that he was a prospective candidate of the above Parliamentary seat.

The next meeting is said to have held at Modinagar on 4th February, 1967, in which corrupt practices are said to have been committed. It is alleged that this meeting was addressed by Prakash Vir Shastri and two Bhajniks where slogans were raised that "Gau Rakshakon Ki Jai Gau Hattiyaron Ki Kshai". In this meeting the personal character of B. P. Maurya was also attacked and allegations were made that Maurya was also attacked and allegations were made that Maurya was raising slogans such as "Nai Brahman Aur Lala Enka Kardo Munh Kala", "Jatav Muslim Bhai Bhai, Hindu Kaum Kahan Se Aaya" "Jat Goojar Rajput, In Tino Key Sar Par Maro Joot" and thereby he was inciting feelings of hatred between the caste Hindus and the Harijans. In support of this reliance was placed on behalf of the petitioner on the statements of Amar Singh (P.W. 33), Ami Chand (P.W. 34) and Sarju Prasad Tyagi. Sarju Prasad Tyagi stated that he was a candidate for the Modinagar Assembly Seat on the ticket of the Samyukt Socialist Party and his party had entered into a pact with the Republican Party to help the candidates of Republican Party and, therefore, he was supporting Maurya in the last general election. He further stated that when he returned after attending the election meeting at Modinagar on 4th February 1967, people asked him if it was a fact that Maurya equated Ganges water with urine and raised slogans which were likely to create dissensions and feelings of hatred between the cast Hindus and the Harijans. Ami Chand (P.W. 34) admitted that the slogans referred to above were raised by Bhajniks and others who attended the Modinagar Meeting of Prakash Vir Shastri. On the other hand, Amar Singh

stated that the speakers told the audience that the aforesaid slogans were being raised by Maurya and as such Maurya and his workers were creating differences between the Hindus and schedule class. Thus the two statements are entirely in contradiction of each other. Prakash Vir Shastri stated that he did not raise any such slogans nor made any such allegations against Maurya in his election meeting of Modinagar. He is corroborated by Mahendra Singh (D.W. 9) who stated that in that Modinagar meeting Prakash Vir Shastri did not make any attack on the personal character of Maurya. I believe Parkash Vir Shastri and Mohendra Singh.

The next meeting in which inflammatory speeches were made was said to be held at Hapur on 7th February, 1967. In the earlier part of the judgment I have held that no such meeting was held at Hapur on 7th February, 1967. As no such meeting was held at Hapur on the aforesaid date the question of Prakash Vir Shastri and his workers delivering inflammatory speeches at Hapur and canvassing votes there on the basis of religion, caste and community does not arise.

The next meeting is said to have been held by Prakash Vir Shastri at Govindpur on 9th February, 1967. In support of this allegation the petitioner examined Brahma Singh Kardam (P.W. 31) and Tika Ram (P.W. 32). They stated that 15 to 20 cows were brought near the dias. Before delivering speech Prakash Vir Shastri worshipped the cows, put Tilak on their foreheads and garlanded them. They stated that Prakash Vir Shastri made personal attack on the character of Maurya by calling him a Maliksh, a Christian and also by saying that he had named his sons as Kennedy and Lincoln and, therefore, he had become a Christian. He further stated that Maurya was called Pakistani agent and that Pakistan Radio was making propaganda in his favour. These witnesses also stated that leaflets were distributed to the voters in this meeting which contained slogans alleged to have been raised by Maurya and his partymen in order to create differences between the caste Hindus and Schedule class. Prakash Vir Shastri stated that he never made any personal attack on the character of Maurya in any of his meetings or called him a Maliksh or a Christian. He denied to have said in that meeting that Maurya was a Pakistani Agent or that his propaganda was being done by the Pakistan Radio. In support of the statements of P.Ws. 31 and 32 reliance was placed on the news item published in the issue of 'Vir Arjun' dated 10th February, 1967, marked Ex. 24. No evidence was led to prove that the contents of this news item was true. It, therefore, cannot be used as corroborative evidence of P.Ws. 31 and 32. I am not inclined to believe the statement of Brahma Singh Kardam who was a worker of Maurya. Tika Ram admitted in his cross examination that he did not know the meeting of the term "Pakistan Ka Agent." He has not noted down the gist of speeches which were delivered by Prakash Vir Shastri and supporters in that meeting. I am, therefore, not prepared to believe the statements of P.Ws. 31 and 32, in the result, the petitioner has not been able to prove that any inflammatory speech was delivered at Govindpur, by respondent No. 1 or that he canvassed vote there on the basis of religion, caste or community. He has also failed to prove that the respondent No. 1 made any attack on his personal character in the meeting at Govindpur. Modinagar or distributed any leaflets containing any slogans.

The next meeting in which speeches were made and the personal character of Maurya was assailed was said to be held at Ghaziabad on 12th February 1967. In support of this allegations the petitioner examined O. P. Garg (P.W. 54). O. P. Garg is an advocate practising at Ghaziabad, he is a member of the Samyukt Socialist Party. He admitted that he was supporting candidature of Maurya, being a member of the Samyukt Socialist Party. According to him Jan Sangh held a meeting near the clock Tower, Ghaziabad, in support of the candidature of Prakash Vir Shastri and Ratan Singh who was a Jan Sangh candidate for the Assembly Seat. According to Garg, this meeting was presided over by P Chandra who was a President of the Local Jan Sangh unit. He stated that cow was used as religious symbol in this meeting and the personal character of Maurya was attacked.

Prakash Vir Shastri admitted that a meeting was held on 12th February, 1967, at Ghaziabad under the auspices of the Jan Sangh in support of the candidature of Ratan Singh and no reference was made against him in that meeting. It was also admitted that this meeting was presided over by P. Chandra. P Chandra who was examined as D.W. 35 stated that a meeting was held in support of the candidature of Ratan Singh at Ghaziabad on that date and that meeting was presided over by him and he denied that any slogan was raised that "Gau Hamari mata hai desh dharam ka nata hai". He denied that any attack was made on

the personal character of Maurya. Shamshuddin stated that 5 or 6 days before the date of the election Prakash Vir Shastri addressed an election meeting at Ghaziabad but no personal attack was made by Maurya nor any slogan was raised that "Gau hamari mta hai desh dhram ke nata hai". The statement of Shamshuddin is supported by the statement of Prakash Vir Shastri. Sukhdeo Sharma is also a practising advocate at Ghaziabad. He stated that it was wrong to say that any election meeting of Prakash Vir Shastri was held at Ghaziabad on the date mentioned by the petitioner. In view of the statements of Sukhdeo Sharma, P. Chandra, Shamshuddin and Prakash Vir Shastri the solitary statement of O. P. Garg does not inspire confidence. I, therefore, hold that the petitioner failed to prove that there was any meeting at Ghaziabad where votes were canvassed using the cow as religious symbol or any attack on the personal character of Maurya was made.

The next meeting is alleged to have held at Pilkhuwa on 16th February 1967. In support of this allegation the petitioner examined Buddhan and Tej Ram Sharma (P. Ws. 46 and 51) respectively. In support of the statements of these two witnesses reliance was placed on Ex. 26, see issue of Vir Arjun a Hindi daily dated 7th February, 1967. For the reasons already given in earlier part of the judgment this news item cannot be relied upon in support of the oral testimony of Buddhan and Tej Ram Sharma. Buddhan stated that two or three days before the date of the polling a meeting was organised in support of the candidature of Prakash Vir Shastri. In that meeting Prakash Vir Shastri is said to have worshipped 15 or 20 cows before making a speech. He also stated that Prakash Vir Shastri called Maurya, an agent of Pakistan. Maurya was also called a Christian. Similar statement was made by Tej Ram Sharma. Tej Ram Sharma admitted in cross examination that 5 or 6 days after the election he met Maurya and told him the gist of the speech which Prakash Vir Shastri had made at Pilkhuwa. Buddhan stated in cross examination that he went to the election office of Maurya at Hapur and told the workers there the gist of the speech which Prakash Vir Shastri had made at Pilkhuwa. He is an illiterate person. He admitted that there was an election office of Maurya at Pilkhuwa. I fail to understand as to why he did not convey the aforesaid information at Pilkhuwa office instead of going to Hapur for giving this information. Hapur is 7 miles from Pilkhuwa. The statement of Buddhan does not inspire confidence. P.W. 51 appears to be interested person. His evidence too does not carry conviction. I, therefore, hold that the petitioner failed to prove that any such speech was made at Pilkhuwa by Prakash Vir Shastri.

The last meeting of the above nature is the one which was held at Patla on 9th February 1967. Sheo Charan and Diwan Chand are two witnesses who stated that in the election meeting at Patla which was addressed by Prakash Vir Shastri on 9th February 1967 cow was used as religious symbol and the personal character of Maurya was attacked. As against this, the respondent examined Chandan Singh (D.W. 8) and Begraj (D.W. 17). Begraj stated that he did not address any meeting at Patla. Chandan Singh is the Pradhan of village Patla and is a Congress man. According to him 10 or 12 days before the date of polling Prakash Vir Shastri addressed election meeting at his village which attended by him. He stated that no reference was made to cow in this meeting nor the personal character of Maurya was attacked. He also stated that pamphlets containing slogans, referred to in earlier part of the judgment, were not distributed in this meeting. Sheo Charan is a Jatav by caste. He admitted that he was worker of Albel Singh who was the running mate of Maurya for Modinagar Assembly Ssat. According to him, he has no sympathy with Maurya nor he was interested in the election. In view of his statement that he worked for Albel Singh it will be difficult to believe that he did not canvass vote for Maurya as well. According to Diwan Chand he only attended one election meeting and that was the one which Prakash Vir Shastri addressed at Patla. He was a worker of Maurya in the last general election and was his polling agent. Both these witnesses are, therefore, interested persons. There is no independent corroboration of their statements. On the other hand, from the statements of Chandan Singh it is proved that Prakash Vir Shastri did not make any reference to cow in his meeting nor made any attack on the personal character of Maurya. In view of the above discussion I am, therefore, of the opinion that the petitioner has not been able to prove that Prakash Vir Shastri made any speech in Patla in which reference was made to cow or any attack was made on the personal character of Maurya. Even if it be assumed for argument's sake that a reference to cow was made by Prakash Vir Shastri would such a reference amount to using the cow as religious symbol. In this connection a number of rulings were cited by the learned counsel for the respondent No. 1 that cow is not a religious symbol and as such any reference to cow by a candidate in his election speech did not amount to a corrupt practice.

Cow is an object of reverence among the Hindus in *Lachhigram* vs. *Jamuna Prasad Mulcharia and others* (2) it was held that cow was an object of reverence among the Hindus but was not a religious symbol. In first Appeal No. 357 of 1963 *Jagdish vs. Mathura Prasad* (3) this question came up for discussion. It was held that cow may be an object of reverence among the Hindus but is not a symbol of Hindus religion and an appeal to save the cow cannot be said to be an appeal on the basis of caste. A similar view was taken in *Vishwanath Prasad vs. Salamat Ullah and others* (4). Cow has great utility in an agricultural country like ours. A speech during election that a certain candidate was a Rakshak of cow would not amount to using the cow as a religious symbol. The petitioner has failed to prove that he was called a 'Gau Hattiyara' in any of the election meetings organised by or on behalf of respondent No. 1. Even if it is admitted that Prakash Vir Shastri worshipped the cow before addressing an election meeting it would not be proper to infer that he used the cow as a religious symbol. It cannot be denied that killing of a cow among the Hindus is a great sin and protecting the same is supposed to be a pious act but on this ground also it would not be correct to hold that cow is a religious symbol.

In support of his contention reliance was placed on the decision of a case *Shubnath Deogam vs. Ram Narain Prasad Yadav and others* (5). In this case a pamphlet was distributed of the successful candidate wherein he used cock as a religious symbol. It was held that among the adhibasis the cock was an integral part of the religious ceremony and in their religious ceremonies they sacrificed cock to appease their gods. On the above finding it was therefore, held that cock was used as a religious symbol. The facts of this case materially differ from the facts of the above reported case and the cow has not been used by respondent No. 1 in the same spirit in which the symbol of the cock was used by the candidate concerned in the above reported case. For the reasons given above I am, therefore, of opinion that cow is not a religious symbol and any reference to cow in the speech, if at all made by respondent No. 1 did not amount using cow as a religious symbol. It should be kept in view here that the petitioner failed to prove by cogent and convincing evidence that respondent No. 1 worshipped cow and used it, in any way, in his election campaign.

Coming to the question as to whether any personal attack was made by Prakash Vir Shastri against Maurya in his election speeches, I am of the opinion that the petitioner has failed to substantiate the same. If the personal character of a candidate is attacked by another knowing that the attack is false the same vitiates the election. It cannot be denied that the attack is false the same vitiates the election. It cannot be denied that if Prakash Vir Shastri called Maurya as low-born person, a chamar, a person who compared Ganges water with urine the same would amount to attack on personal character. It also cannot be denied that using such slogans as "Ma Chamarin Baap Pathan" is worst kind of attack on personal character. If Prakash Vir Shastri called Maurya as Pakistan agent or that Pakistan Radio did propaganda for him knowing that the same was false then this also would amount to an attack on personal character of Maurya which would amount to corrupt practice as defined under section 123 of the Representation of people Act and on proof of the same the election is liable to be set aside.

The petitioner has failed to prove that the respondent No. 1 his workers, agents and supporters made any canvassing that Maurya raised any of the above slogans to create bad blood between caste Hindus, on the side Harijans and Muslims on the other. Maurya has failed to prove any of the allegations of attack on his personal character. He also failed to prove the pamphlets A 78, 79 and A 80 were distributed by Shastri. As a result of the above discussion I decide issues Nos. 6, 7, 8 and 9 against the petitioner.

Issue No. 10.

The petitioner has not been able to prove this also by clear and convincing evidence. One of the witnesses stated that he saw some voters being carried to one of the polling stations in a truck by certain persons who were wearing badges of the symbol of lion and carrying flags with such symbol this evidence is not worthy of credence. Even if this evidence is taken at its face value, the evidence of the aforesaid witness does not establish that the above persons were agents, supporters and workers of Prakash Vir Shastri because there was another candidate in the field for the Assembly seat who too had lion as his symbol. Besides this, the petitioner has not been able to prove that this corrupt practice, if any,

(2) 1953-54 E.L.R. Vol. 9 p. 149 (3) U.P. Gazette dated 2nd Oct. 1965 p.

(4) U.P. Gazette dated 24th July, 1965, P. 516. (5) 1960 E.L.R. Vol. 22p.1.

was committed with the consent of Prakash Vir Shastri. This issue is, therefore, also decided against the petitioner.

Issues Nos. 11, 13 to 16.

No evidence was held in support of these issues. These issues are, therefore, decided against the petitioner.

Issue No. 12.

This issue is connected with the allegation that respondent No. 1 set up Nasim as his rival candidate so that Nasim might be able to divide the Muslim voters who, as alleged by the petitioner, were not expected to support the candidature of Prakash Vir Shastri. In support of his allegation the petitioner examined himself and one Fidaur Rahman (P.W. 52). The petitioner has no personal knowledge about this fact. Fidaur Rahman stated that Shastriji went to his house and requested him to seek election for the Hapur Parliamentary Seat so that Muslim votes of Maurya could be divided. Fidaur Rahman refused to oblige Prakash Vir Shastri but suggested that Nasim was such a person who might oblige. He took Prakash Vir Shastri to the house of Nasim and after introducing Shastri to Nasim, told him the purpose of the visit of Prakash Vir Shastri talked with Nasim. Thus even the evidence of Fidaur Rahman does not go to whom the Nasim was set up at the instance of Prakash Vir Shastri. Maurya stated that Prakash Vir Shastri approached professor Ranga and requested him to give Nasim a ticket of Swatantra Party to fight this seat. Prakash Vir Shastri denied to have ever approached Professor Ranga for the above purpose. After scanning the statements of Prakash Vir Shastri and B. P. Maurya I prefer to believe Prakash Vir Shastri on this point.

It has come in evidence that in the election of 1962 Nasim contested this Parliamentary seat as a candidate of Swatantra Party. Sukhdeo Sharma stated that the number of votes secured by Nasim was next to Smt. Kamla Chaudhary, the returned candidate. If in the election of 1962 Nasim secured the next highest number of votes then it would be difficult to believe that he would play in the hands of Prakash Vir Shastri in standing as candidate only to divide the Muslim votes of Maurya. Swatantra Party had set up a number of candidates and in view of these facts and circumstances the only inference which could be drawn would be that Nasim was a genuine candidate of the Swatantra Party and was not set up at the instance of Prakash Vir Shastri only to divide the Muslim votes. B. P. Maurya stated that on 13th February, 1967, he saw Sukhdeo Sharma paying the price of the petrol which was supplied to the mechanically propelled vehicle used by Nasim in his election. Sukhdeo Sharma denied this allegation of Maurya. On this solitary statement of Maurya without any corroboration I am not prepared to hold that the price of petrol used by Nasim in his election was ever paid by Prakash Vir Shastri or his workers or agents. Issue No. 12 along with the allegations that Nasim was set up as a candidate by Prakash Vir Shastri are decided against the petitioner.

Issue No. 17.

This issue was not pressed. No argument was advanced on this issue. This issue is decided in the negative.

Issue No. 19.

The decision of this issue does not affect the merit of this petition. It relates to the copies which were placed in sealed cover. The learned counsel for the petitioner contended that the decision of this issue would throw a light on the conduct of respondent No. 1. Any conduct of respondent No. 1 after the declaration of the result of the election and not relating to election itself would not be material for the decision of the election petition. I am, therefore, of the opinion that there is no necessity to decide this issue.

Issue No. 18.

In view of the findings on the above issues the petitioner is not entitled to any relief.

ORDER

The election petition stands dismissed with costs payable to respondent No. 1. The costs is assessed at Rs. 1,000/-.

Dated, 12th April, 1968.

Sd/- K. N. S.

[No. 82/19 of 1967/UP/68(Alld.)]

ORDER

New Delhi, the 24th July 1968

S.O. 2756.—Whereas the Election Commission is satisfied that Shri Ram Chandra Prasad Yadav of Ward 'C' Sadar Bazar Jamalpur, P.O. Jamalpur District Monghyr a contesting candidate for election to the House of the People from Monghyr constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Chandra Prasad Yadav to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/29/67(43).]

By Order,

A. N. SEN, Secy.

MINISTRY OF COMMERCE

ORDER

New Delhi, the 2nd August 1968

S.O. 2757.—Whereas by the Order of the Government of India in the Ministry of Commerce, No. S.O. 1198, dated the 13th April, 1966, read with the Orders of the Government of India in the Ministry of Commerce Nos. S.O. 1466, dated the 13th May, 1966, S.O. 1346, dated the 12th April, 1967, S.O. 2377, dated the 12th July, 1967, S.O. 2564, dated the 31st July, 1967, S.O. 3088, dated the 1st September, 1967, S.O. 3308, dated the 15th September, 1967, S.O. 3695, dated the 16th October, 1967, S.O. 1343, dated the 15th April, 1968 and S.O. 2081, dated the 7th June, 1968, the management of the industrial undertaking known as the Swadeshi Cotton and Flour Mills Limited, Indore, had been taken over by the Authorised Controller referred to in the Order first mentioned above for a period upto and inclusive of the 15th August, 1968;

And whereas the Central Government is of opinion that it is expedient in the public interest that the management of the said industrial undertaking by the said Authorised Controller should continue for a period upto the 15th October, 1968;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (2) of section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby directs that the Order first mentioned above shall continue to have effect for a further period upto the 15th October, 1968.

[No. F. 10(8) Tex (A)/64-Tex (G).]

DEVINDAR NATH, Jt. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

ORDER

New Delhi, the 27th July 1968

S.O. 2758.—In pursuance of the directions issued under the provision of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approved the film specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section 3 of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current event or a documentary film.
1	2	3	4	5	6
1	Mahitichitra No. 96	286.51 M	Director of Information, Government of Gujarat, Ahmedabad-15		Film dealing with news and current events (For release in Guja- rat Circuit only).

[No. F. 24/1/68-FP App. 1274.

BANU RAM AGGARWAL, Under Secy

MINISTRY OF FINANCE
(Department of Economic Affairs)

New Delhi, the 31st July 1968

S.O. 2759.—Statement of the Affairs of the Reserve Bank of India as on the 26th July, 1968

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,00,000	Notes	26,89,56,000
		Rupee Coin	4,72,000
Reserve Fund	80,00,00,000	Small Coin	3,51,000
National Agricultural Credit (Long Term Operations) Fund	143,00,00,000	Bills Purchased and Discounted :— (a) Internal (b) External (c) Government Treasury Bills	149,08,45,000
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	Balances Held Abroad*	95,39,77,000
National Industrial Credit (Long Term Operations) Fund	55,00,00,000	Investments** Loans and Advances to :— (i) Central Government (ii) State Governments @	348,09,53,000 25,25,16,000
Deposits— (a) Government— (i) Central Government	62,35,57,000	Loans and Advances to :— (i) Scheduled Commercial Banks† (ii) State Co-operative Banks†† (iii) Others	64,73,60,000 148,60,78,000 3,28,90,000

LIABILITIES	Rs.	ASSETS	Rs.
Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—			
(i) State Governments	7,68,95,000	(a) Loans and Advances to—	
(i) State Governments			
(ii) Banks—		(i) State Governments	31,69,15,000
(i) Scheduled Commercial Banks	134,50,55,000	(ii) State Co-operative Banks	15,99,39,000
(ii) Scheduled State Co-operative Banks	7,41,13,000	(iii) Central Land Mortgage Banks	..
(iii) Non-Scheduled State Co-operative Banks	75,16,000	(b) Investment in Central Land Mortgage Bank Debentures	8,00,02,000
(iv) Other Banks	18,23,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(v) Others	386,06,09,000	Loans and Advances to State Co-operative Banks	5,79,05,000
Bills Payable	24,03,90,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
Other Liabilities	29,23,08,000	(a) Loans and Advances to the Development Bank	6,08,92,000
		(b) Investment in bonds/debentures issued by the Development Bank	
Rupees	968,22,66,000	Other Assets	39,22,15,000
			Rupees 968,22,66,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

③ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 56,22,22,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund

Dated the 31st day of July, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 26th day of July, 1968

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department			Gold Coin and Bullion:—		
Notes in circulation . . .	26,89,56,000		(a) Held in India.	115,89,25,000	
	<u>3199,54,57,000</u>		(b) Held outside India	
Total Notes issued . . .	<u>3226,44,13,000</u>		Foreign Securities	<u>206,42,00,000</u>	
			TOTAL		322,31,25,000
			Rupee Coin	81,08,20,000	
			Government of India Rupee Securities	<u>2823,04,68,000</u>	
			Internal Bills of Exchange and other commercial paper	
Total Liabilities	<u>3226,44,13,000</u>		Total Assets		3226,44,13,000

Dated the 31st day of July, 1968.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/68.]
V. SWAMINATHAN, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Dept. of Works & Housing)

New Delhi, the 29th July 1968

S.O. 2760.—In exercise of the powers conferred by section 3 of the Public Premise (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being gazetted officer of Government, to be estate officer for the purposes of the said Act and the said officer shall exercise all the powers conferred, and perform the duties imposed, on estate officers by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table.

THE TABLE

Designation of Officer	Categories of public premises and local limits of jurisdiction
Deputy Divisional Superintendent, Delhi Division, Northern Railway, New Delhi.	Premises under the administrative control of the Northern Railway situated within the local limits of Delhi Division.

[No. 21011(4)/66-Pol.]
V. P. AGNIHOTRI, Dy. Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS

(Department of Industrial Development)

ORDERS

New Delhi, the 30th July 1968

S.O. 2761.—In exercise of the powers conferred by Section 15 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) and in partial modification of the notified Order of the Government of India in the Ministry of Industrial Development and Company Affairs No. 2263/15/IDRA/68 dated the 17th June, 1968, the Central Government hereby appoints the following as members and Member-Secretary on the Committee, set up for purpose of making full and complete investigation into the industrial undertakings mentioned in Order No. 1762/15/IDRA/68, dated the 20th May, 1968:

1. Shri R. Seshadri—Member.
2. Shri A. V. Ekambaram—Member.
3. Shri V. N. Moralwar—Member-Secretary.

[No. 9(6)Lic. Pol./68.]

New Delhi, the 31st July 1968

S.O. 2762/IDRA/5.—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rule 8 of the Central Advisory Council (Procedural) Rules, 1952, the Central Government hereby appoints Shri Y. A. Fazalbhoy to be member of the Central Advisory Council of Industries till the 3rd November, 1969, in place of Shri B. D. Somani and directs that the following amendment shall be made in the Order of the Government of India in the Ministry of Industrial Development & Company Affairs (Department of Industrial Development) No. S.O. 4044, dated the 4th November, 1967, namely:—

In the said Order, for entry No. 8 relating to Shri B. D. Somani, the following entry shall be substituted:—

“8. Shri Y. A. Fazalbhoy, President, All India Manufacturers' Organisation, Jeewan Sahakar, Sir Phirozshah Mehta Road, Bombay-1.

[No. F. 1(5)Lic. Pol./67.]
R. C. SETHI, Under Secy.

(Department of Industrial Development)
(INDIAN STANDARDS INSTITUTION)

New Delhi, the 26th July 1968

S. O. 2763.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with immediate effect from 1 July 1968:

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
i	IS : 828	Cricket bats	IS : 828-1966 Specification for cricket bats (revised)	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportion as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. MD/13:9]

S.O. 2764.—The Certification Marks Licences, details of which are mentioned in the Schedule given hereafter, have lapsed or their renewal deferred:

SCHEDULE

Serial No.	Licence No. and Date	Licensee's Name and Address	Article/Process and the Relevant IS: No.	S.O. Number and Date of the Gazette Notifying Grant of Licence	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
1	CM/L-133 15-7-1959	Travancore Sugars & Chemicals Ltd., Tiruvalla, Central Travancore (Kerala)	Rectified Spirit, Grade I IS: 323—1959	S.O. 1694 dated 1-8-1959	Deferred after 15-6-1968.
2	CM/L-627 18-2-1964	M/s. Tan & Bitumen products pvt. Ltd., 63/1 Belgachia Road, Calcutta-37 having their Office at 3-D Garstin Place, Calcutta-1.	Hot applied sealing compounds for joint in concrete—IS: 1834-1961	S.O. 943 dated 21-3-1964	Deferred after 15-6-1968
3	CM/L-669 7-5-1964	M/s. National Iron & Steel Co. Ltd., 51 Stephen House, 4 Dalhousie Square, Calcutta-1.	Structural Steel (Standard quality)—IS:226-1962	S.O. 2173 Dated 20-6-1964	Deferred after 15-6-1968
4	CM/L-670 7-5-1964	Do.	Structural Steel (Ordinary quality)—IS: 1977-1962	Do.	Do.
5	CM/L-673 18-5-1964	M/s. Elite Electrical Industries, 5332 Chandrawal Road, Subzimandi, Delhi having their Office at 380/381 Gali Mata Wali, Teliwara, Delhi-6.	Electric irons, non-thermostatic type, of voltages not exceeding 250 Volts (450 and 600 watts only)—IS : 366—1965	Do.	Deferred after 15-6-1968.
6	CM/L-688 17-6-1964	M/s. Shree Maharaja Steel Mills Pvt. Ltd., Kapurthala (Lessee: Punjab Steel Corp., Industrial Area, Kapurthala) (Punjab)	Structural Steel (Standard quality)—IS: 226-1962	S.O. 2590 Dated 1-8-1964	Deferred after 30-6-1968
7	CM/L-689 17-6-1964	Do.	Structural Steel (Ordinary quality)—IS : 1977-1962	Do.	Do.
8	CM/L-1071 26-5-1965	M/s. Sirdar Iron & Steel Mills, Agra Road, Vikhroli, Bombay	Structural Steel (Standard quality)—IS:226-1962	S.O. 2132 Dated 3-7-1965	Deferred after 15-6-1968
9	CM/L-1072 26-5-1965	Do.	Structural Steel (Ordinary quality)—IS: 1977-1962	Do.	Do.

10	CM/L-1086 1-6-1965	The National Iron & Steel Co. Ltd., 51 Stephen House, 4 Dalhousie Square East, Calcutta.	Structural Steel (fusion welding quality)—IS: 2062-1962	S.O. 2403 Dated 31-7-1965	Deferred after 15-6-1968
11	CM/L-1087 1-6-1965	Do.	Mild Steel and Medium tensile steel bars and hard-drawn steel wire for concrete reinforcement—IS: 432-1960.	Do.	Do.
12	CM/L-1088 1-6-1965	Do.	Structural Steel (high tensile)—IS: 961-1962	Do.	Do.
13	CM/L-1092 3-6-1965	The National Foundry & Rolling Mills, Nababazar, Calcutta-4.	Structural Steel (Standard quality)—IS: 226-1962	Do.	Lapsed after 15-6-1968.
14	CM/L-1093 3-6-1965	Do.	Structural Steel (Ordinary quality)—IS: 1977-1962	Do.	Do.
15	CM/L-1101 17-6-1965	M/s. Jindal (India) Pvt. Ltd., Delhi Road, Hissar (Haryana)	Mild Steel tubes—IS: 1239-1964	Do.	Deferred after 30-6-1968.
16	CM/L-1243 15-4-1966	M/s. Bharat Pulverising Mills Pvt. Ltd., Andheri-Kurla Road, Andheri, Bombay-58 having their Office at Hexamer House, 28 Sayani Road, Bombay-28.	Methyl parathion emulsifiable concentrates—IS: 2865-1965	S.O. 1551 Dated 28-5-1966	Deferred after 15-6-1968
17	CM/L-1255 26-4-1966	M/s. Indian Rolling Mills, 79, Fazalganj, Kanpur.	Mild steel and medium tensile steel bars and hard-drawn steel wire for concrete reinforcement—IS: 432-1960.	Do.	Deferred after 15-5-1968
18	CM/L-1284 27-6-1966	National Rolling & Steel Ropes Ltd., Calcutta	Steel wire ropes for general engineering purposes—IS: 2266-1963	S.O. 2248 Dated 30-7-1966	Deferred after 30-6-1968.
19	CM/L-1430 14-4-1967	M/s. Shri Vallabh Glass Works Ltd., Vallabh Vidya Nagar, Via Anand (Gujarat).	Laminated safety glass IS: 2553-1963	S.O. 2669 Dated 12-8-1967	Deferred after 15-4-1968
20	CM/L-1457 15-6-1967	The Kolhapur Sugar Mills Ltd., Kasaba Bavada, Kolhapur-3.	Glacial Acetic acid, pure IS: 695-1955	S.O. 2650 Dated 5-8-1967	Lapsed after 30-6-1968
21	CM/L-1466 26-6-1967	M/s. Chotanagpur Mineral Agency, 67/5, Ghosla Road, Liliuah, Howrah having their Office at 95 Mahatma Gandhi Road, Calcutta 7.	BHC dusting powders—IS: 561-1962	Do	Deferred after 30-6-1968
22	CM/L-1341 9-10-1967	M/s. Shaw Wallace & Co. Ltd., 84 Industrial Suburb, Bangalore-22, having their Office at 8/9 Thambu Chetty Street, Madras-1.	Poultry feeds, glowing, laying and starting IS: 1374-1964	S.O. 4258 Dated 9-12-1967	Deferred after 15-4-1968

New Delhi, the 29th July 1968

S.O. 2765.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard (s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the estab- lishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS: 434 (Part II)-1964 Specification for rubber insulated cables Part II with aluminium conductors (revised)	S.O. 2673 dated 28 August 1965	No. 3 June 1968	(i) Clause 7.3.1 and Tables 1 and 5 have been amended. (ii) Tables 18 to 24 and 28 to 30 have been substituted by new ones.	30 June 1968
2	IS: 537-1967 Specification for toluene, pure, nitration grade (first revision)	S.O. 287 dated 20 January 1968	No. 1 July 1968	Page 25, clause E-6.1.1.2, line 6—Substitute '(X+0.6R)' for '(X-0.6R)'.	15 July 1968
3	IS: 692-1965 Specification for paper insulated lead-sheathed cables for electricity supply (revised)	S.O. 1253 dated 24 April 1965	No. 2 June 1968	(i) Tables 2, 5 to 8, 10 and 13 have been substituted by new ones. (ii) Clauses 3.3.6, 9.3.3, 10.10.2, A-2.1, & A-3.1 have been amended. (iii) New matter has been added in Table 1 and 11 and clauses 7.2.1, 10.1.1, 10.1.2 and A-3.2.	30 June 1968
4	IS: 1054-1962 Specification for diekdrin emulsifiable concentrates	S.O. 483 dated 16 February 1963	No. 3 July 1968	Clauses F-2.1.1, F-3.1.1 and F-3.2.1 have been amended.	1 July 1968
5	IS: 1180-1964 Specification for outdoor type three-phase distribution transformers up to and including 100 kVA 11 kV (revised)	S.O. 735 dated 6 March 1965	No. 1 June 1968	(i) Page 12, clause 16.1, informal table last column reading—Substitute 'Load Loss at 75°C' for 'Load Loss at 75°C (Copper Loss)'. (ii) Fig 5B has been substituted by a new one.	30 June 1968

6 IS: 1310-1958 Specification for endrin emulsifiable concentrates	S.O. 2834 dated 26 December 1959	No. 4 July 1968	Clauses G-2.1.1, G-3.1.1 and G-3.2.1 have been substituted by new ones.
7 IS: 1433-1965 Specification for beam scales (revised)	S.O. 2134 dated 3 July 1965	No. 2 August 1968	(i) Page 9, tables 5 and 6, col. 3, first three entries—Substitute '10, 12 and 15' for '3,2 and 4' respectively in both the tables. (ii) A new clause 5.2 and a new Fig 6 have been added and the subsequent clauses and figures re-numbered accordingly, wherever they appear.
8 IS: 1653-1964 Specification for rigid steel conduits for electrical wiring (revised)	S.O. 83 dated 2 January 1965	No. 2 July 1968	Page 7, Table II, heading of col 4—Substitute 'TOLERANCE ON ANGLE' for 'Angle'. 15 July 1968
9 IS: 1943-1964 Specification for A-twill jute bags (revised)	S.O. 3951 dated 16 November 1964	No. 3 July 1968	(i) Clauses 2.8, 3.1, 3.2 & 3.4 have been amended. (ii) Clauses 3.5 and 6.1 have been substituted by new ones and a new clause 3.6 has been added. (iii) Table 1 has been amended. (iv) Appendices A & B have been deleted.
10 IS: 1956-1962 Glossary of terms relating to iron and steel	S.O. 2562 dated 11 August 1962	No. 2 July 1968	(i) Clauses 4.35, 4.55, 5.103, 5.113, 6.114, 8.53 and 8.69 have been amended. (ii) New clauses 5.14 & 5.54 have been added and subsequent clauses re-numbered accordingly wherever they appear. (iii) A new Appendix 'A' has been added. (iv) Clause 4.4 has been amended. 25 July 1968 (v) A new Appendix 'A' has been added at the end of the standard.
11 IS: 2003-1962 Specification for malted milk food containing cocoa powder	S.O. 2698 dated 1 September 1962	No. 3 June 1968	Page 4, clause 5.1, line 2—Delete the words 'July 1968 'polythylene lined'.
12 IS: 2128-1962 Specification for parathion, technical	S.O. 3593 dated 1 December 1962	No. 3 July 1968	A new clause 7.3.5 has been added. 1 August 1968
13 IS: 2149-1962 Specification for luminaires for streetlighting	S.O. 242 dated 26 January 1963	No. 1 August 1968	(i) Clauses 0.6 and 5.8 have been amended. 1 July 1968 (ii) Appendix B has been substituted by a new one.
14 IS: 2512-1963 Specification for miners' cap lamp batteries (lead-acid type)	S.O. 280 dated 25 January 1964	No. 2 July 1968	(i) Clauses 3.1, 3.2, 3.3, A-2.1 and Table 1 have been amended. (ii) Clauses 3.4, B-2.1 & B-9.1 have been substituted by new ones. (iii) A new clause 3.5 has been added. (iv) New matter has been added in clause A-2.
15 IS: 2566-1965 Specification for B-twill jute bags (revised)	S.O. 1501 dated 8 May 1968	No. 2 July 1968	

(1)	(2)	(3)	(4)	(5)	(6)
16	IS: 2618-1963 Specification for test-tubes	S.O. 2176 dated 20 June 1964	No. 1 July 1968	New matter has been added in table I.	1 July 1968
17	IS: 2713-1964 Specification for tubular steel poles for overhead power lines	S.O. 226 dated 16 January 1965	No. 2 July 1968	Clause 8.1 has been substituted by a new one.	1 July 1968
18	IS: 2874-1964 Specification for heavy cee jute bags	S.O. 3951 dated 16 November 1964	No. 3 July 1968	(i) Clauses 3.1, 3.2, 3.3 and table I have been amended. (ii) Clauses 3.4 & 6.1 have been substituted by new ones. (iii) A new clause 3.5 has been added. (iv) Appendix 'A & B' have been deleted. (v) Clauses 3.1, 3.2, 3.3 and table I have been amended. (vi) Clauses 3.4 & 6.1 have been substituted by new ones. (vii) A new clause 3.5 has been added. (viii) Appendix 'A' and 'B' have been deleted.	15 July 1968
19	IS: 2875-1964 Specification for jute corn sacks	S.O. 3951 dated 16 November 1964	No. 3 July 1968	(i) Clauses 3.1, 3.2, 3.3 and table I have been amended. (ii) Clauses 3.4 & 6.1 have been substituted by new ones. (iii) A new clause 3.5 has been added. (iv) Appendix 'A' and 'B' have been deleted.	15 July 1968
20	IS: 3035 (Part II)-1965 Specification for thermoplastic insulated weatherproof cables Part II polythene insulated, taped, braided and compounded	S.O. 3938 dated 25 December 1965	No. 1 June 1968	The amendment aims at providing an alternative construction of polyethylene insulated cable with black pigmented polyethylene, with low melt-flow index (M. FI) but without oil resisting tape.	30 June 1968
21	IS: 3530-1966 Specification for rib-knitted cotton stockings	S.O. 241 dated 21 January 1967	No. 1 July 1968	(i) Table 3 has been amended. (ii) Clauses 8.4 and 8.4.2 have been substituted by new ones. (iii) New clauses 8.4.3 and 8.5(d) have been added.	1 July 1968
22	IS: 3660 (Part I)-1966 Methods of tests for natural rubber Part I Determination of dirt, volatile matter, ash, total copper, manganese, iron, rubber hydrocarbon, viscosity (shearing disc viscometer), and mixing and vulcanizing of rubber in a standard compound	S.O. 2177 dated 1 July 1967	No. 1 July 1968	(i) Clause 4.1 has been amended. (ii) Clause 3.1.7 has been substituted by a new one.	1 July 1968
23	IS: 3794-1966 Specification for Liverpool twill (L-twill) bags	S.O. 469 dated 11 February 1967	No. 1 July 1968	Clause 3.3 and Table I have been amended.	1 July 1968

24	IS: 3899-1966 Specification for zineb water dispersible powder	S.O. 1972 dated 10 June 1967	No. 1 July 1968	Table I has been amended.	1 July 1968
25	IS: 3900-1966 Specification for ziram, technical	S.O. 1972 dated 10 June 1967	No. 1 July 1968	(i) Clause 2.1 has been substituted by a new one. (ii) Table I has been amended. (iii) Page 11; Appendix C-Delete the appendix; redesignate 'Appendix D' as 'Appendix G' wherever it appears in the standard; and change the clause numbers under it accordingly.	1 July 1968
26	IS: 3901-1966 Specification for ziram water dispersible powder	S.O. 1972 dated 10 June 1967	No. 1 July 1968	Page 4, Table 1, col. 3, against Sl. No. (ii)- Substitute '98' for '99.9'	1 July 1968
27	IS: 3963-1966 Specification for roof extractor units	S.O. 2789 dated 19 August 1967	No. 1 July 1968	(i) Clause 12.6 has been substituted by a new one. (ii) Table 2 and clause B-2.1 have been amended. (iii) A new clause 8.7 has been added. (iv) New matter has been added in clauses 12.1 and 12.13.1.	1 July 1968
28	IS: 3984-1967 Specification for dw-flour bags	S.O. 2417 dated 22 July 1967	No. 1 July 1968	Clause 3.3 and Table I have been amended.	1 July 1968
29	IS: 4180-1967 Code of practice for corrosion protection of light gauge steel sections used in building	S.O. 1720 dated 18 May 1968	No. 1 July 1968	Clauses 1.2. and 2.7.2 have been amended.	1 July 1968
30	IS: 4211-1967 Specification for thread pitch gauges for iso metric screw threads (pitch range 0.25 to 6.00 mm)	S.O. 520 dated 10 February 1968	No. 1 July 1968	Title has been amended.	1 July 1968
31	IS: 4227-1967 Specification for braided nylon cord for aeronautical purposes	S.O. 4080 dated 18 November 1967	No. 2 July 1968	Table I and clause D-2.7 have been amended.	1 July 1968
32	IS: 4229-1967 Specification for nylon sewing threads for aeronautical purposes	S.O. 4080 dated 18 November 1967	No. 1 July 1968	Table I has been amended.	1 July 1968
33	IS: 4439-1967 Specification for rayon velvet	S.O. 1720 dated 18 May 1968	No. 1 July 1968	Clause 5.1 and Table I have been amended.	1 July 1968
34	IS: 4505-1968 Specification for sodium formaldehyde sulphoxylate	S.O. 2036 dated 8 June 1968	No. 1 July 1968	Clause 0.4 has been amended.	1 July 1968

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan', 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7 (ii) Third and Fourth Floors, 5 Chwringhee Approach, Calcutta-13 (iii) Second Floor, Sathymurthy Bhavan, 54 General Patters Road, Madras, and (iv) 117/418-B Sarbodaya Nagar, Kanpur.

[No. MD/13:5.]

S.O. 2766.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard (s), particulars of which are given in the Schedule hereto annexed, have been established during the period 16 June to 15 July 1968.

THE SCHEDULE

S.I. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard.	Brief Particulars
(1)	(2)	(3)	(4)
1	IS: 524-1968 Specification for varnish, finishing, exterior, synthetic. (first revision).	IS: 524-1954 Specification for varnish, finishing, exterior, type (synthetic).	This standard prescribes the requirements and the methods of sampling and test for varnish, finishing, exterior synthetic. The material is used in painting systems, for protection and decoration. (Price Rs. 4.00).
2	IS: 525-1968 Specification for varnish, finishing exterior and general purposes (first revision).	IS: 525-1954 Specification for varnish, finishing, exterior and general purposes, Type 2.	This standard prescribes the requirements and the methods of sampling and test for varnish, finishing exterior and general purposes. The material is used in painting systems for protection and decoration. (Price Rs. 3.50).
3	IS: 695-1967 Specification for acetic acid. (first revision).	IS: 695-1955 Specification for glacial acetic acid, pure, pharmaceutical and technical.	This standard prescribes the requirements and methods of sampling and test for acetic acid. (Price Rs. 6.50).
4	IS: 818-1968 Code of practice for safety and health requirements in electric and gas welding and cutting operations. (first revision).	IS: 818-1955 of Code practice for safety and health requirements in electric and gas welding and cutting operations.	This code lays down requirements for the protection of (a) persons from injury and illness, and (b) properties (including equipment) from damage by fire and other causes, arising from electric and gas welding and cutting equipment, its installation, operation and maintenance. (Price Rs. 11.50).
5	IS: 841-1968 Specification for hand hammers. (first revision).	IS: 841-1957 Specification for hand hammers.	This standard covers the requirements for hand hammers (Price Rs. 6.50).
6	IS: 1009-1968 Specification for MAIDA (first revision)	IS 1009-1957 Specification for MAIDA.	This standard prescribes the requirements and methods of test for MAIDA.
7	IS: 1010-1968 Specification for SUJI, or RAVA (semolina) (first revision).	IS: 1010-1957 Specification for SUJI, or RAVA (semolina) (first revision).	This standard prescribes the requirements and the methods of test for SUJI or RAVA (semolina). (Price Rs. 4.00).
8	IS: 1155-1968 Specification for wheat Atta (second revision).	IS: 1155-1965 Specification for wheat ATTA (revised).	This standard prescribes the requirements and the methods of test for wheat ATTA. (Price Rs. 4.00).

(1)	(2)	(3)	(4)
9	IS: 1165-1967 Specification for milk powder (whole and skim) (<i>first revision</i>).	IS: 1165-1957 Specification for milk powder (whole and skim)	This standard prescribes the requirements and the methods of sampling and test for milk powder (whole) and milk powder (skim) made from the milk of cow or buffalo or a mixture thereof. (Price Rs. 8.00).
10	IS: 1392-1967 Specification for glass milk bottles. (<i>first revision</i>).	IS: 1392-1959 Specification for glass milk bottles.	This standard prescribes the requirements of dimensions, quality and performance for 1 litre, 500-ml, 250-ml and 200-ml cylindrical glass bottles for liquid milk other than sterilized milk. (Price Rs. 5.00).
11	IS: 1448- Indian Standard methods of test for petroleum products [P: 31-1968].	IS: 1448 (Part I)-1960 Methods of test (No. P: 31) for petroleum and its products.	First revision of method No. P: 31 has been issued in loose leaf form binder. In this connection also see note against serial No. 6 of the schedule published under number S.O. 4080 dated 31 October 1967 in the Gazette of India, Part II, Section 3(ii) dated 18 November 1967. This method is intended for the determination of smoke point of kerosene and other volatile liquid fuels including gas turbine (jet) fuels. (Price Rs. 2.00).
12	IS: 1459-1968 Specification for kerosenes. (<i>first revision</i>).	IS: 1459-1959 Specification for kerosenes.	This standard prescribes the requirements and the methods of sampling and test for kerosenes intended for use as an illuminant and as a fuel. (Price Rs. 2.00).
13	IS: 1664-1968 Specification for mineral mixtures for supplementing cattle feeds (<i>first revision</i>).	IS: 1664-1960 Specification for mineral mixture for supplementing cattle feeds.	This standard prescribes the requirements and the methods of sampling and test for a mineral mixture for supplementing cattle feeds. (Price Rs. 8.00).
14	IS: 1961-1968 Specification for glass tableware. (<i>first revision</i>).	IS: 1961-1961 Specification for glass tableware.	This standard prescribes the requirements and the methods of sampling and test for glass tableware. (Price Rs. 2.50).
15	IS: 2299-1968 Specification for steel helmets for civil defence (<i>first revision</i>).	IS: 2299-1963 Specification for metal helmets for civil defence.	This standard lays down the requirements regarding materials, construction, workmanship and finish, weight and performance tests of steel helmets for civil defence requirements. The helmets covered by this standard are intended to provide protection mainly against debris and to some extent against shrapnel and fire. (Price Rs. 5.00).

(1)	(2)	(3)	(4)
16	IS : 2556 (Part I)—1967 Specification for vitreous sanitary appliances (vitreous china).	IS : 2556-1963 Specification for vitreous sanitary appliances (vitreous china).	This standard covers the general requirements for materials, manufacture, methods of test, inspection and marking of all vitreous sanitary appliances. (Price Rs. 5.50).
Part I	general requirements (first revision).		
17	IS : 2556 (Part II)—1967 Specification for vitreous sanitary appliances (vitreous china).	IS : 2556-1963 Specification for vitreous sanitary appliances (vitreous china).	This standard lays down the patterns and sizes, construction, dimensions and tolerances, finish and marking for vitreous wash-down water-closets. Price Rs. 3.50.
Part II	specific requirements of wash down water- closets (first revision).		
18	IS : 2556 (Part III)—1967 Specification for vitreous sanitary appliances (vitreous china).	IS : 2556-1963 Specification for vitreous sanitary appliances (vitreous china).	This standard lays down the patterns and sizes, construction, dimensions and tolerances and finish for squatting pans and traps. (Price Rs. 4.00)
Part III	specific require- ments of squatting pans and traps (first revision).		
19	IS : 2556- (Part IV)—1967 Specification for vitreous sanitary appliances (vitreous china).	IS : 2556-1963 Specification for vitreous sanitary appliances (vitreous china).	This standard lays down the patterns and sizes, construction, dimensions and tolerances and finish for wash basins. (Price Rs. 5.00).
Part IV	specific require- ments of Wash basins (first revision).		
20	IS : 2556 (Part V)— 1967 Specification for vitreous sanitary app- liances (vitreous china).	IS : 2556-1963 Specification for vitreous sanitary app- liances (vitreous china.)	This standard lays down the patterns and sizes, construction, dimensions and tolerances of laboratory sinks. (Price Rs. 2.50)
Part V	specific require- ments of flaboratory sinks. (first revision).		
21	IS : 2556 (Part VI)—1967 Specification for vitreous sanitary appliances (vitreous china).	IS : 2556-1963 Specification for vitreous sanitary appliances (vitreous china).	This standard lays down the patterns, sizes, construction, dimensions and tolerances and finish of vitreous urinals. (Price Rs. 3.50).
Part VI	specific require- ments of urinals. (first revision).		
22	IS : 2556 (Part VII)—1967 Specification for vitreous sanitary appliances (vitreous china).	IS : 2556-1963 Specification for vitreous sanitary appliances (vitreous china).	This standard lays down the shapes and sizes, dimensions and tolerances for half-round channel. (Price Rs. 2.00).
Part VII	specific require- ments of half-round channel (first revision).		
23	IS : 2556 (Part VIII)—1967 Specification for vitreous sanitary appliances (vitreous china).	IS : 2556-1963 Specification for vitreous sanitary appliances (vitreous china).	This standard covers the pat- terns, dimensions and toler- ances and finish of siphonic wash-down water-closets. (Price Rs. 2.00).
Part VIII	specific require- ments of siphonic wash- down water closets. (first revision).		

(1)	(2)	(3)	(4)
24 IS : 2556 (Part IX)—1967 Specification for vitreous sanitary appliances (vitreous china). Part IX specific requirements of bidets. (first revision).	IS : 2556-1963 Specification for vitreous sanitary appliances (vitreous china).		This standard covers the shape and size, dimensions, construction and finish of bidets. (Price Rs. 2.00).
25 IS : 2556 (Part X)—1967 Specification for vitreous sanitary appliances (vitreous china). Part X specific requirements of foot rests. (first revision).	IS : 2556-1963 Specification for vitreous sanitary appliances (vitreous china).		This standard covers the shape and size, dimensions and finish of foot rests. (Price Rs. 2.00).
26 IS : 3347 (Part IV/Sec. 2)—1967 Dimensions for porcelain transformer bushings. Part IV 24 V bushings Section 2 metal parts.	..		This standard lays down the dimensions and materials of metal parts and accessories of bushings of 24 kV used with power transformers. (Price Rs. 8.00).
27 IS : 3347 (Part V/Sec. 2)—1967 Dimensions for porcelain transformer bushings Part V 36 kV bushings Section 2 Metal parts.	..		This standard lays down the dimensions and materials of metal parts and accessories of bushings of 36 kV used with power transformers. (Price Rs. 7.00).
28 IS : 4327—1967 Specification for electric fans and regulators for use in ships.	..		This standard specifies the requirements and methods of tests for electric motor operated propeller fans of the cabin and ceiling type and their associated regulators for use on single-phase ac and dc circuits not exceeding 250 volts, intended for air circulation in living spaces in ships. (Price Rs. 8.00).
29 IS : 4454—1967 Specification for steel wires for cold formed springs.	..		This standard covers the requirements for round steel-wires for springs (also wire-forms, spring-rings, etc.) for general engineering purposes so far as these items are manufactured from spring hard material. (Price Rs. 8.00).
30 IS : 4466 (Part II)—1967 Recommendations for farm cattle housing for plain areas with medium rainfall. Part II cattle shed for a rural milk producer.	..		This standard recommends a layout and the constructional requirements of farm cattle sheds meant for the rural milk producer, normally having 20 animals which may include about 12 milch animals, their followers and a pair of bullocks. (Price Rs. 3.50).
31 IS: 4493 (Part I)—1968 Specification for hollow metallic waveguides. Part I general requirements & tests.	..		This standard prescribes general requirements and methods of test for straight hollow metallic tubing for use as waveguides in electronic and telecommunication equipment. (Price Rs. 4.00).

(1)	(2)	(3)	(4)
32	IS: 4519-1968 Specification for copper for commutator bars	..	This standard specifies the requirements for hard-drawn copper commutator bars over 6 mm in width and upto and including 18 mm thick in which the inclination of the two surfaces is constant throughout the width (Price 7.00)
33	IS: 4523-1968 Specification for acetoacetanilide	..	This standard prescribes the requirements and methods of sampling and test for acetoacetanilide. (Price Rs. 4.00)
34	IS: 4524-1968 Specification for acetoaceto-chloroanilide	..	This standard prescribes the requirements and methods of sampling and test for acetoaceto-o-chloroanilide. (Price Rs. 4.00)
35	IS: 4525-1968 Specification for <i>p</i> -aminoacetanilide	..	This standard prescribes the requirements and methods of sampling and test for <i>p</i> -aminoacetanilide. (Price Rs. 4.00)
36	IS: 4527-1968 Specification for 2-nitro-4-chlorotoluene	..	This standard prescribes the requirements and the methods of sampling and test for 2-nitro-4-chlorotoluene (Price Rs. 5.00)
37	IS: 4528-1968 Specification for 4, 4'-dinitrostilbene-2, 2'-disulphonic acid (disodium salt)	..	This standard prescribes the requirements and the methods of sampling and test for disodium salt of 4,4'-dinitrostilbene-2, 2'-disulphonic acid. (Price Rs. 5.00)
38	IS: 4530-1968 General requirements for positioning and routing of engine exhaust pipes in motor vehicles	..	This standard covers the general requirements governing the positioning and routing of exhaust pipes in motor vehicles. (Price Rs. 2.00)
39	IS: 4532-1968 Specification for portable scale for jewellers	..	This standard covers the requirements for portable jewellers' scales for weighing diamonds, pearls and other jewels. (Price Rs. 2.00)
40	IS: 4533-1968 Specification for suction apparatus	..	This standard specifies requirements of electrically-driven suction apparatus for use in hospitals for operation on voltages not exceeding 250 V, 50 c/s single phase ac. (Price Rs. 2.50)
41	IS: 4535-1968 Specification for saw-grip terminal device for artificial limbs	..	This standard specifies the requirements pertaining to material shape, dimensions, workmanship, finish and performance for saw-grip terminal device. (Price Rs. 2.00)
42	IS: 4536 (Part I)-1968 Specification for composite bottom stainless steel cooking utensils Part I copper electro-deposited	..	This standard lays down the requirements of copper-electrodeposited composite bottom stainless steel cooking utensils, namely, <i>D</i> EGCH-IES (deep, flat and round bottom), frying-pans and saucepans. (Price Rs. 4.00)

(1)	(2)	(3)	(4)
43	IS: 4542-1968 Colorimetric methods for determination of iron	..	This standard prescribes the colorimetric methods for the determination of iron. (Price 2.50)
44	IS: 4544-1968 Code of safety for ammonia	..	This standard prescribes code of safety concerning the hazards related to ammonia. It also describes the properties and essential information of safe handling and use of ammonia. (Price Rs. 5.50)
45	IS: 4546-1968 Methods of measurement of radiations from television receivers	..	This standard covers measurements of radiations from television receivers in the frequency band of 150 kc/s and 30 Mc/s to 300 Mc/s (Price Rs. 6.50).
46	IS: 4549-1968 Specification for lifeboat compass-liquid type	..	This standard gives the requirements and materials for lifeboat magnetic compasses liquid type, having a direct reading system. (Price Rs. 3.50)
47	IS: 4555-1968 Specification for biprong terminal device, draughtsman, for artificial limbs	..	This standard specifies the requirements pertaining to material, shape, dimensions, workmanship and finish for draughtsman's biprong terminal device. (Price Rs. 2.00)
48	IS: 4561 (Part I)-1968 Specification for oil cans Part I light duty oil cans	..	This standard specifies the requirements for light duty oil cans for general purposes. (Price Rs. 2.50)
49	IS: 4562-1968 Specification for portable chemical fire extinguisher, foam type for marine use	..	This standard lays down the specification for portable chemical fire extinguisher foam type, for marine use. (Price Rs. 3.50)
50	IS: 4564-1968 Specification for fireclay nozzles	..	This standard covers the requirements for fireclay nozzles for use in ladles of capacity up to 100 tonnes. (Price Rs. 2.00)
51	IS: 4565-1968 Specification for fireclay stoppers	..	This standard covers the requirements for fireclay stoppers. (Price Rs. 2.00).
52	IS: 4568-1968 Specification for lifeboat oars (wood)	..	This standard covers the general requirements, dimensions and tests for lifeboat oars provided in lifeboats fitted on ships, tugs, etc. (Price Rs. 3.50)
43	IS: 4575-1968 Code for handling of fibre ropes	..	This standard lays down the various causes of damage suggestions for the care of fibre ropes, and precaution for safe use of ropes. (Price Rs. 2.50)

(1)	(2)	(3)	(4)
54	IS: 4576-1968 Specification for liquefied petroleum gases	..	This standard prescribes the requirements and methods of sampling and test for all types of liquefied petroleum gases commercially marketed for household, commercial and industrial applications but not for the automotive use. (Price Rs. 2.00).
55	IS: 4577-1968 Specification for spade-grip terminal device for artificial limbs.	..	This standard specified the requirements pertaining to materials, shape, dimensions, workmanship, finish and performance for spade-grip terminal device (Price Rs. 2.00)
56	IS: 4578-1968 Specification for lubricating oils for refrigeration machinery	..	This standard prescribes the requirements and the methods of sampling and test for lubricating oils for refrigeration machinery. (Price Rs. 2.50).
57	IS: 4582-1968 Specification for ladies' cardigans	..	This standard prescribes the requirements for ladies' cardigans bleached, dyed or of mixture shades. (Price Rs. 2.50)
58	IS: 4586-1968 Dimensions of spindles and details of mechanical fixing devices used in electronic equipment	..	This standard lays down the preferred forms and leading dimensions of spindles for rotary wafer switches, variable resistors (potentiometers) variable condensors and tuning spindles used in electronic equipment as well as details of mechanical fixing devices (Price Rs. 2.50)
59	IS: 4588-1968 Specification for raw natural rubber	..	This standard prescribes the requirements, methods of sampling and test for general purpose natural rubbers produced from the latex or scrap from the plantations. (Price Rs. 2.00).
60	IS: 4590-1967 Specification for engineers' level	..	This standard deals with the requirements of engineers' levels suitable for purposes where the accuracy desired is not greater than one millimetre at 70 metres. (Price Rs. 2.50).
61	IS: 4592-1968 Test chart for gap-frame presses	..	This standard prescribes the limits of accuracy and procedure for carrying out the tests for gap-frame presses (Price Rs. 2.50).

(1)

(2)

(3)

(4)

62 IS: 4593-1968 Test chart
for straight-sided presses

..

This standard prescribes the
limits of accuracy and pro-
cedures for carrying out the
tests for straight-sided pres-
ses. (Price Rs. 2.50).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7, (ii) Third and Fourth Floors, 5 Chowringhee Approach Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2, and (iv) 117/418B, Sarvodaya Nagar, Kanpur.

[No. MD/13 : 2.]

New Delhi, the 30th July 1968

S. O. 2767.—In the Certification Marks Licences, details of which are mentioned in the Schedule given hereafter, amendments have been made as shown against each licence :

THE SCHEDULE

Serial No.	Licence No. (CM/L-)	Name and Address of the Licensee	S.O. Number and Date of the Gazette in which Grant of Licence was Notified	Nature of Amendments	Date of Effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1	431	Indian Oxygen Ltd., Electrode Factory, Barrackpore Trunk Road, Khardah, 24 Parganas.	S.O. 2629 25 August 1962	New variety of electrode, namely 'caltia—Mo' has been included.	1 July 1968
2	892	The Alliance Jute Mills Co. Ltd., P. O. Jagatdal, 24 Parganas.	S.O. 79 2 January 1965	Jute products covered by IS: 3667-1966, IS: 3668-1966, IS: 3750-1966, IS: 3751-1966 and IS: 3794-1966 have been included.	1 January 1968
3	1210	Annapurna Biscuits (Mfg.) Co., 84/67, G. T. Road, Kanpur.	S.O. 851 19 March 1966	Milk and pineapple cream biscuits have been included.	20 May 1968
4	1294	Welding Electrodes & Metallic Alloys Ltd., Plot No. 4, Kafwa Industrial Area, Thana Delpur Road, Distt. Thana (Maharashtra).	S.O. 2248 30 July 1967	New variety of electrode, namely Philip 46 has been included.	1 July 1968
5	1534	Emcee, Engineers Terbeni Road, Patiala.	S.O. 4258 9 December 1967.	Water meters of 15 mm size, dry-dial, inferential, type A have been included.	1 August 1968.
6	1545	Eltex Engg. Corpn. (P) Ltd., Krishnarayapuram Road, Ganpatty Post, Coimbatore.	S.O. 4258 9 December 1967	Three-phase induction motors, 7.5 KW (10 HP) have been included.	29 May 1968.
7	1655	Sundatta Foods & Fibres Ltd., Karwar Road, Hubli (Mysore).	S.O. 1470 27 April 1968	Brand name of their balanced feed mixture for cattle, as included in the licence, has been changed from 'cow' to 'Jai Kissan'	16 July 1968
8	1657	Oriental Power Cables Ltd., Cablenagar, Distt. Kota (Rajasthan).	S.O. 1470 27 April 1968	Twin core and six core cables have been included	1 June 1968

[No. CMD/13 : 11]
(Dr.) SADGOPAL,
Deputy Director General.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 26th July 1968

S.O. 2768.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in respect of a complaint under Section 33A of the said Act, filed by Shri S. J. Basu, Senior Technical Officer, Air India, which was received by the Central Government on 18th July, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

COMPLAINT NO. CGIT 10 OF 1968

(Arising out of Reference No. CGIT-26 of 1967)

PARTIES:

Shri S. J. Basu, Anand Villa, Linking Road, Bombay-54, Complainant.

Vs.

Air India, Bombay—Opp. Party.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the complainant: Shri V. K. Thembe, Advocate.

For the opp. party: Shri S. K. Wadia, Solicitor.

STATE—Maharashtra.

INDUSTRY—Airways.

Bombay, the 8th July, 1968

AWARD

1. Mr. S. J. Basu, Sr. Technical Officer of the Air India corporation has filed this complaint against the corporation under section 33(A) of the Industrial Disputes Act, 1947.

2. The employees of the Air India corporation, represented by the Air Craft Engineers' Association had made a demand to the corporation that no one except the Air Crafts maintenance engineers employed by the corporation should be required or allowed to inspect or certify the maintenance or over-haul or aircraft or its components or do both as per terms of the agreement arrived at between the corporation and the association. The management had not accepted the claim and had contended that the agreement had nothing to do what-so-ever with the inspection and certification of Air Crafts. They have contended that the employment of approved inspectors in the work-shop of the corporation at Santacruz was the long standing practice followed, and was in accordance with the director general of civil aviation's requirement for approved inspection. As a result this dispute could not be settled and the employees had resorted to strike and the matter has been referred to this tribunal and is pending in reference No. CGIT—26 of 1967.

3. The complainant Shri S. J. Basu who was working as the senior technical officer in the grade of Rs. 1000-100-1500 and drawing Rs. 1200 was alleged to have taken part in the above mentioned illegal strike and was proceeded for misconduct. The corporation charged the complainant with three misconducts:—

- (a) Wilful in-subordination and disobedience of the lawful reasonable order of his superiors.
- (b) Absence from duty without permission and without sufficient cause in combination with others.
- (c) Aiding and abetting an illegal strike by the All India Air Craft Engineers' Association.

4. A departmental enquiry committee was appointed and after notice an enquiry was held.

5. The complainant Basu did not take part in the departmental enquiry proceeding and it had to be heard *ex parte* and as a result of the departmental enquiry

the General Manager finding him guilty of the first two charges passed an order against him dismissing him from service vide his order GM/74-15(B)/6214. The complainant thereafter preferred an appeal against the order of dismissal. The appellate authority, chairman of the corporation, after hearing the appellant accepted the findings of the enquiry committee regarding the misconduct. But considering the good record of service of the complainant modified the order of sentence and passed an order only reducing him to the grade of technical officer in the scale of Rs. 750-50-1000-100-1200 drawing a salary of only Rs. 1100 and hence the workman has filed this complaint.

6. The complainant had in the complaint alleged that he was directly concerned in the dispute pending before the tribunal in reference No. CGIT-26 of 1967. The departmental enquiry held by the corporation was merely an offshoot of the strike undertaken by the workmen which resulted in the reference. The corporation had not obtained any permission of the tribunal before passing the order. The enquiry was illegal, malafide and unjust. It was also opposed to the canons of natural justice and the same should be set aside.

7. In reply to the complaint the management denied the allegations and contended that the complainant who was working as senior technical officer was not a workman as defined in section 2 of the Industrial Disputes Act, 1947, and the complainant was not maintainable. It was further contended that the complainant was not a workman concerned in the dispute which is pending before the tribunal and that the misconduct for which the complainant was punished was not connected with the dispute in the pending reference. They denied the allegations about the illegality, malafide nature of the enquiry and have contended that the enquiry was properly held in accordance of the principles of the natural justice. The complainant had also preferred an appeal and after hearing him the appellate authority had accepted the finding of the enquiry committee and reduced the sentence on compassionate grounds. And as there was no contravention of the provisions of section 33 of the Industrial Disputes act, the complaint should be dismissed.

8. After the complaint and notices to the parties the tribunal received a letter purporting to have been sent by the complainant intimating the tribunal that he would like to withdraw his complaint where upon notices were again issued to the parties and the matter was fixed for hearing.

9. The complainant who is present admitted that he had sent the letter about the withdrawal of the complaint. He requested the tribunal to withdraw the complaint as he did not want to proceed with the same. The corporation has also no objection. As the complainant does not press his complaint, it shall have to be held that the management has not contravened the provisions of section 33 of the Industrial Disputes act and the complainant is not entitled to any relief. Hence my award accordingly.

10. No order as to costs.

(Sd.) A. T. ZAMBRE,
Presiding Officer,
Central Government Industrial Tribunal, Bombay.

[No. 4/163/67-LRII.J

S.O. 2769.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in respect of a complaint under Section 33A of the said Act, filed by Shri K. P. Asthana, Technical Officer, Air India, which was received by the Central Government on 16th July, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL BOMBAY
COMPLAINT No. CGIT-13 of 1968

(Arising out of Reference No. CGIT-26 of 1967).

PARTIES:

Shri K. P. Asthana, 27, Kadwani Chamber, Love Lane, Bombay-10—Complainant.

VS.

Air India, Bombay.—Opp. Party.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES :

For the complainant—Shri V. K. Thembe, Advocate.

For the opp. party—Shri S. K. Wadia, Solicitor.

STATE: Maharashtra.

INDUSTRY: Airways.

Bombay, the 4th July, 1968

AWARD

1. Mr. K. P. Ashtana, Technical Officer of the Air India corporation has filed this complaint against the corporation under section 33(A) of the Industrial Disputes Act, 1947.

2. The employees of the Air India Corporation, represented by the Air Craft Engineers' Association had made a demand to the corporation that no one except the Air Crafts maintenance engineers employed by the corporation should be required or allowed to inspect or certify the maintenance or over-haul of an aircraft or its components or do both as per terms of the agreement arrived at between the corporation and the association. The management had not accepted the claim and had contended that the agreement had nothing to do what so ever with the inspection and certification of Air Crafts. They have contended that the employment of approved Inspectors in the work-shop of the corporation at Santacruz was the long standing practice followed, and was in accordance with the director general of civil aviation's requirement for approved inspection. As a result this dispute could not be settled and the employees had resorted to strike and the matter has been referred to this tribunal and is pending in reference No. CGIT-26 of 1967.

3. The complainant, Shri K. P. Ashtana, who was working as the technical officer in the grade of Rs. 750—50—1000—100—2000 and drawing Rs. 900/- was alleged to have taken part in the above mentioned illegal strike and was proceeded for misconduct. The corporation charged the complainant with three misconducts:—

- Willful in subordination and disobedience of the lawful reasonable order of his superiors.
- Absence from duty without permission and without sufficient cause in combination with orders.
- Aiding and abetting an illegal strike by the All India Air Craft Engineers' Association.

4. A departmental enquiry committee was appointed and after notice an enquiry was held.

5. The complainant Ashtana did not take part in the departmental enquiry proceeding and it had to be heard *ex parte* and as a result of the departmental enquiry the General Manager finding him guilty of the first two charges passed an order against him reducing him in grade and also to a lower stage by two increments vide letter E/16-8-3/6208. The complainant thereafter preferred an appeal against the order. The appellate authority, chairman of the corporation after hearing the appellant accepted the findings of the enquiry committee regarding the misconduct. But considering the good record of service of the complainant modified the order of sentence and passed an order only reducing him by two stages i.e. Rs. 800/- keeping him in the same grade and hence the workman has filed this complaint.

6. The complainant had in the complaint alleged that he was directly concerned in the dispute pending before the tribunal in reference no. CGIT-26 of 1967. The departmental enquiry held by the corporation was merely an offshoot of strike undertaken by the workmen which resulted in the reference. The corporation had not obtained any permission of the tribunal before passing the order. The enquiry was illegal, malafide and unjust. It was also opposed to the canons of natural justice and the same should be set aside.

7. In reply to the complaint the management denied the allegations and contended that the complainant who was working as senior technical officer was not a workman as defined in section 2 of the Industrial Disputes Act, 1947 and the complaint was not maintainable. It was further contended that the complainant was not a workman concerned in the dispute which is pending before the tribunal and the misconduct for which the complainant was punished was not connected with the dispute in the pending reference. They denied the allegations about the illegality, malafide nature of the enquiry and have contended that the

enquiry was properly held in accordance of the principles of the natural justice. The complainant had also preferred an appeal and after hearing him the appellate authority had accepted the findings of the enquiry committee and reduced the sentence on compassionate grounds. And as there was no contravention of the provisions of section 33 of the Industrial Disputes Act the complaint should be dismissed.

8. After the complaint and notices to the parties, the tribunal received a letter purporting to have been sent by the complainant intimating the tribunal that he would like to withdraw his complaint where upon notices were again issued to the parties and the matter was fixed for hearing.

9. The complainant who is present admitted that he had sent the letter about the withdrawal of the complaint. He requested the tribunal to give permission to withdraw the complaint as he did not want to proceed with the same. The corporation has also no objection. As the complainant does not press his complaint, it shall have to be held that the management has not contravened the provisions of section 33 of the Industrial Disputes Act and the complainant is not entitled to any relief. Hence my award accordingly.

10. No order as to costs.

(Sd.) A. T. ZAMBRE,
Presiding Officer,
Central Government Industrial Tribunal,
Bombay.

[No. 4/163/67-LRIII.]

O. P. TALWAR, Under Secy.

(Department of Labour and Employment)

New Delhi, the 26th July 1968

S.O. 2770.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Umaria Colliery of Messrs Rewa Coalfields Limited, Post Office Dhanpuri, District Shahdol (Madhya Pradesh) and their workmen, which was received by the Central Government on the 20th July, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

Dated July 10, 1968

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

CASE NO. CGIT/LC(R)(10) OF 1968

PARTIES:

Employers in relation to the Umaria Colliery of Messrs Rewa Coalfields Limited, Post Office, Dhanpuri, Distt. Shahdol (M.P.).

V.3.

Their workmen represented through the Secretary, Umaria Colliery Mazdoor Sangh, P.O. Umaria, District Shahdol (M.P.).

APPEARANCES:

For employers—S/Sri Asasingh, Asstt. C.M.E. V. M. Thakraney, Chief Personnel Officer, and Sardar Ujagar Singh, Labour Officer.

For workmen—S/Sri Abdul Wahid, President and Gurdeo Singh, General Secretary of the Union.

INDUSTRY: Coal Mine.

DISTRICT: Shahdol (M.P.).

AWARD

By Notification No. 8/11/68-LR-II, dated 25th January, 1968, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment),

Government of India, referred the following matter of dispute as stated in the schedule to the order of reference, to this Tribunal, for adjudication:

Matter of Dispute

Whether the proposed closure of the Umaria Colliery of Messrs Rewa Coal-fields Limited, Post Office, Dhanpuri, District Shahdol (Madhya Pradesh), and the retrenchment of 435 of its workmen from the 31st January 1968 are justified? If not, to what relief are the workmen entitled?

2. After pleadings were filed by the parties certain additional issues were framed on the hearing rendered on 1st April, 1968. After two intervening dates the case was fixed today for final hearing. The representatives of the parties have, however, appeared and have filed a compromise petition, terms of which are reproduced in the annexure. The Union has admitted the closure as bona fide. The employers have given some relief to the workers who are still in employment as a temporary measure. The terms of settlement appear to be reasonable and fair to both sides. Accepting the compromise settlement, an award is recorded in terms thereof.

(Sd.) G. C. AGARWALA,
Presiding Officer
10-7-1968

NOTE.—It may be mentioned that the figure in this issue under reference of retrenched workmen is stated as 435. Actually as stated by both parties in the terms of settlement the figure is 479 out of whom 85 had been retained temporarily and the rest 394 had been retrenched with effect from 31st January, 1968. The difference in figure is, however, immaterial.

(Sd.) G. C. AGARWALA,
Presiding Officer
10-7-1968

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM
LABOUR COURT, JABALPUR
CASE NO CGIT/LC(R)(10) OF 1968

PARTIES:

Workmen represented by Umaria Colliery Mazdoor Sangh, P.O. Umaria,
Dist. Shahdol—*Applicants*.

Vs.

Employers in relation to Umaria Colliery of Messrs Rewa Coalfields Ltd.,
P.O. Dhanpuri, District Shahdol—*Non-applicants*.

Both the above mentioned parties jointly submit as under:

1. That due to poor and indifferent quality of coal produced by the Umaria mine not readily acceptable by the Market one shift of the mine was closed in June 1966. The workmen found surplus due to this closure were absorbed in other mines of the same company.
2. That the efforts of the company to sell the output of the two working shifts also did not prove successful and the company was forced to discontinue working the second shift as well in August, 1967 and the surplus workmen were absorbed in other mines of the same company. The Union did not dispute the genuineness of the closure of the 1st and 2nd shifts.
3. There was further deterioration in the situation of sale due to poor quality of coal produced by Umaria Mine and the entire Umaria mine was closed on 31st January, 1968. The workmen working in this third shift and in other allied jobs numbering 479 were surplus out of them 394 workers were retrenched from 31st January 1968 under the provisions of section 25 FFF of the Industrial Disputes Act and the remaining 85 workers were temporarily kept in employment for looking after the property of the Company and for jobs of winding up

Machinery plants etc. The dispute about the enclosure of this third shift and retrenchment of the surplus 479 workers was raised by the Union and is now pending before the Hon'ble Tribunal vide Reference No. CGIT/LC/(R)/(10)/68. Out of 394 workers retrenched so far 390 workers collected their retrenchment compensation and other final dues. The remaining four workers have not yet collected the retrenchment compensation.

4. Whereas the workmen and the union have now realised that the company had bona fide difficulties for closing the mine from 31st January 1968 and they do not want to dispute the genuineness of this closure. The majority of the retrenched workers who did not belong to Umaria have already settled themselves on other works with the help of retrenchment compensation money and there is no problem of their employment.

5.(a) Whereas the management agreed that out of 85 workers retained temporarily for winding-up works, the workers whose names are given in Annexure 'A' shall be transferred to other mines of the employers.

(b) The management agreed to give employment on jobs shown against their names to four persons who have not yet collected their retrenchment compensation amount at the Burhar and Amlai Mines. The period of their unemployment will be treated as leave without wages and they will get the benefits of their previous service. Annexure-B.

(c) The workers whose names are shown in Annexure 'C' attached shall be given fresh employment at Burhar and Amlai Mines on the jobs and category as shown against their names. They will be treated as New employees but their past service will be taken into account for giving them seniority for purpose of future retrenchment and they will not be paid any compensation for the period for which they have already been paid by the Management. The Union appreciated that the employers have no possibilities to accommodate those persons in their other existing mines, until and unless job opportunities are created by expanding mining operations in the area. The employers in expectation of such expansion agreed to absorb these persons at Burhar and Amlai mines as stated above.

6. Whereas the above Reference (dispute) has been amicably settled between the parties on the above terms. The union is representative union of the majority of the workmen working in Umaria Mine and almost all the workmen are members of this Union. This agreement entered into by the Union on behalf of all the workmen shall be binding on all the workmen. There will not be any dispute in future about the genuineness or the bona fides of the closure of Umaria Mine and retrenchment compensation paid to the workers. Therefore, the parties agreed that the References which have been pending shall not be pursued and the union and workmen will not contest or lead the evidence to show that the closure of Umaria Mine was not genuine.

7. The parties will bear their respective cost of this Reference.

8. It is humbly prayed by both the parties that this agreement may kindly be recorded and an award passed in terms, thereof

Dated: 10th July, 1968.

(Sd.) ABDUL WAHID,

President,

Umaria Colliery Mazdoor Sangh.

(Sd.) GURDEO SINGH,

General Secretary,

Umaria Colliery Mazdoor Sangh.

(Sd.) ASA SINGH,

Asstt. Chief Mining Engg.

Rewa Coalfields Ltd.

(Sd.) V. M. THAKRANEY,

Chief Personnel Officer,

Rewa Coalfields Ltd.

Witnesses:

1. (Sd.) Illegible.

2. (Sd.) Illegible.

ANNEXURE 'A'

Sr. No.	Name	Designation
1.	Shri P. A. Patel	Wages Clerk
2.	„ Durga Prasad	Clerk
3.	„ S. D. Singh	Clerk
4.	„ Mustaque Hussain	Time-keeper
5.	„ Abdul Wahid	Incline Clerk
6.	„ Bitani Lal	Peon
7.	„ Deo Dutta	Car Driver
8.	„ Keshir Singh	Head Chowkidar
9.	„ Sukhsen	Chowkidar
10.	„ Kuarba	„
11.	„ Bharosa	„
12.	„ Piarey	„
13.	„ Surajbali	„
14.	„ Kisna	„
15.	„ Peer Mohd.	„
16.	„ Sattar	„
17.	„ Ramjan	„
18.	„ Ram Kripad	Asstt. Surveyor
19.	„ Subhan Box	Siding Mate
20.	„ Kharglal	Haulage Driver
21.	„ Babu Lal	Fitter
22.	„ Piarey	Fitter helper
23.	„ Dost Mohd.	Fitter Mazdoor
24.	„ Bisalee	Fitter Mazdoor
25.	„ Nazir Ali	Elec. Mazdoor
26.	„ Ramdhani	Rail Mazdoor
27.	„ Noor	Fitter
28.	„ Gouri Shanker	Rope splicer.

ANNEXURE 'B'

	Category
29.	Shri Rasool
30.	„ Ram Prasad
31.	„ Mohd. Umer
32.	„ Ajit Singh

ANNEXURE 'C'

33.	Shri Sheo Prasad Gond	Fitter	V
34.	„ Sheo Prasad	Fitter helper	II
35.	„ Abdul Hussan	Welder	V
36.	„ Mohd. Ali	Electrician	VI Surface
37.	„ Govind Prasad	Electrician	V Surface
38.	„ Abhairaj Singh	Elec. Helper	I
39.	„ Ramesh Prasad	Elec. Helper	I
40.	„ Gulzari	Elec. Helper	I
41.	„ Mohd. Yusuf	C.C.M. Driver	V
42.	„ Gangadin	C.C.M. Mazdoor	III
43.	„ Lal Mohd.	Driller Mazdoor	I
44.	„ Sheo Prasad	Driller	III
45.	„ Baisukhoo	Rope splicer	V
46.	„ Sarman	Trammer	III
47.	„ Amrit Lal	Clipman	IV
48.	„ Fulla	„	IV
49.	„ Bisnoo	„	IV
50.	„ Sheo Ratan	Trammer	III
51.	„ Jagannath	Gen. Mazdoor	I
52.	„ Atrul Haque	„	I
53.	„ Sunder	„	I

Sr.No.	Name	Designation	Category
54.	Kishori .	Gen. Mazdoor	I
55.	„ Gokul .	„ .	I
56.	„ Ram Prasad .	„ .	I
57.	„ Ram Saroop .	„ .	I
58.	„ Ram Prasad Ahir .	„ .	I
59.	„ Mandhari .	„ .	I
60.	„ Kandhaiya .	C.C.M. Mazdoor	III
61.	„ Pooran .	Turner Helper	III
62.	„ Ganga Saran .	S.B. Attendant	I
63.	„ Sheoraj Singh .	Raising Mate	IV
64.	„ Azmir Ali .	Do.	IV
65.	„ Dassiya .	H/Khalasi .	III
66.	„ Sheo Prasad .	P/Khalasi .	II
67.	„ Noor Mohi .	P/Khalasi .	II
68.	„ Puram Lal .	Moulder Helper	III
69.	„ Juwala Prasad .	Loading Clerk	II Grade
70.	„ Laloo Singh .	Tub Writer	II Grade
71.	„ Budhoo Singh .	Do .	II Grade
72.	„ Ram Gopal .	Short firer .	As per award
73.	„ Ram Mitra .	Short firer .	Do.
74.	„ Mahanta .	Fitter .	IV
75.	„ Lalla .	Fitter .	IV

[No. 8/11/68-LR.II.]

S.O. 2771.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the employers in relation to the Associated Cement Companies Limited, Kotma and their workmen which was received by the Central Government on the 22nd July, 1968.

ARBITRATION AWARD

In the matter of:

The Associated Cement Cos., Ltd., Kotma Colliery, Kotma (M.P.).

AND

Their Workmen, as represented by the Kotma Colliery Mazdoor Sangh, Kotma. (M.P.).

Pursuant to an Agreement between the parties dated 28th January, 1965, referring the matters contained therein to the Arbitration of Mr. F. Jeejeebhoy, Last President, Labour Appellate Tribunal of India, residing at Firuz Ara, 160 Queen's Road, Churchgate Reclamation, Bombay.

PRESENT:

Shri F. Jeejeebhoy, Barrister-at-Law, Arbitrator.

For the Employers.—Mr. I. M. Nanavati, Advocate. Mr. G. L. Covil. Mr. M. S. Kapur.

For the Workmen.—Mr. Ramtirath Panday, President. Mr. Afsar Ali, Vice-President. Mr. R. K. Som, General Secretary, Kotma Colliery Mazdoor Sangh, Kotma.

AWARD

Whereas by an Agreement between the Associated Cement Cos., Ltd., Kotma, on the one hand and the Workmen represented by Kotma Colliery Mazdoor Sangh on the other have referred certain disputes to the arbitration of Mr. F. Jeejeebhoy, Last President of the Labour Appellate Tribunal of India, residing at Firuz Ara, Churchgate Reclamation, Bombay 1;

And whereas the parties had agreed that the decision of the said Arbitrator shall be binding on them;

And whereas the said Agreement which was made under Section 10A of the Industrial Disputes Act 1947 has been duly published by the Government of India in the Gazette of India dated 20th February, 1965, being S.O. 649 at pages 738 to 740;

And whereas the issues herein arising are at page 740 of the Gazette of India, Part II, Section 3(ii) dated 20th February, 1965 and reads as follows:—

(1) Whether the miners employed in Kotma Colliery were required to push empty tubs beyond 500 feet? If so, to what relief are they entitled and from what date?

(2) Whether the demand of the workers for allowing accumulation and carried forward sick leave is justified? If so, to what extent?".

And whereas at the final hearing of the case, the parties arrived at a settlement of the issues and have filed a joint application hereto annexed asking that the Arbitrator may be pleased to make an Award in terms of the Settlement. I accept the terms of the Settlement and adopt the same and hereby make an Award in terms thereof.

This Award is signed at Bombay this the 8th day of July, 1968.

Sd./- F. JEEJEEBHOY,
Arbitrator.

BEFORE SHRI F. JEEJEEBHOY, ARBITRATOR, BOMBAY

In the matter of Arbitration Agreement dated 28th January 1965 under Section 10A of the I.D. Act.

BETWEEN

The Associated Cement Cos. Ltd., Kotma, Colliery, Kotma Colliery P.O. (Dist. Shahdol) M.P.

AND

Its Workmen as represented by Kotma Colliery Mazdoor Sangh, P.O. Kotma Colliery (Dist. Shahdol)

May it please the Hon'ble Arbitrator:

The parties to the above Arbitration Agreement have arrived to the following Settlement and pray that the Hon'ble Arbitrator may be pleased to make an Award in terms thereof:—

Demand	Terms of Settlement
I	2
1. Whether the Miners employed in Kotma Colliery were required to push empty tubs beyond 500 feet? If so, to what relief are they entitled and from what date:	The parties agree that the consolidated rates fixed for the Miners as per Settlement dated 24-3-60 and the Award of the Central Government Ind. Tribunal, Bombay in terms thereof in Ref. No. 2 of 1960 were inclusive of all jobs including the work of pushing the empty tubs beyond 500 feet when required. An award may therefore be made in terms of this Settlement.

2. Whether the demand of the workers for allowing accumulation and carrying forward of sick leave is justified ? If so, to what extent ?

Since accumulation of sick leave is generally not allowed in the Coal Industry and further as the recommendations of the Central Wage Board for Coal Mining Industry with regard to accumulation of sick leave has not been accepted by the Govt. of India *vide* its Resolution No. WB-16(5)/66 dated 16-7-1967 the Union does not press the demand.

Dated at Bombay, this 28th day of June 1968.

For the Workmen
as represented by
Kotma Colliery Mazdoor Sangh

For the Associated Cement
Cos. Ltd. Kotma Colliery.

(Sd.) RAMTIRTH PANDAY,
President

Sd/- AFSAR ALI,
Vice President

Witness:

1. Sd/- Illegible.
2. Sd/- Illegible.

Sd/- R. K. SOM,
General Secretary

Sd/- G. L. GOVIL,
Labour Relations Adviser.
[No. 5/4/65-LRII.]

New Delhi, the 30th July 1968

S.O. 2772.—In pursuance of section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the following Award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the employers in relation to the Associated Cement Companies Limited, Kotma and their workmen which was received by the Central Government on the 22nd July, 1968.

ARBITRATION AWARD.

In the matter of:

The Associated Cement Cos., Ltd., Kotma Colliery, Kotma. (M.P.).

AND

Their Workmen, as represented by the Kotma Colliery Mazdoor Sangh, Kotma. (M.P.).

Pursuant to an Agreement between the parties dated 19th June, 1964, referring the matter contained therein to the Arbitration of Mr. F. Jeejeebhoy, Last President, Labour Appellate Tribunal of India, residing at Firuz Ara, 160 Queen's Road, Churchgate Reclamation, Bombay.

PRESENT:

Shri F. Jeejeebhoy, Barrister-at-Law, Arbitrator.

For the Employers.—Mr. I. M. Nanavati, Advocate. Mr. G. L. Govil. Mr. M. S. Kapur.

For the Workmen.—Mr. Ramtirath Panday, President. Mr. Afsar Ali, Vice-President. Mr. R. K. Som, General Secretary, Kotma Colliery Mazdoor Sangh, Kotma.

AWARD

Whereas by an Agreement between the Associated Cement Cos., Ltd., Kotma, on the one hand and the Workmen represented by Kotma Colliery Mazdoor Sangh on the other have referred certain disputes to the arbitration of Mr. F. Jeejeebhoy, Last President of the Labour Appellate Tribunal of India, residing at Firuz Ara, Churchgate Reclamation, Bombay 1;

And whereas the parties had agreed that the decision of the said Arbitrator shall be binding on them;

And whereas the said Agreement which was made under Section 10A of the Industrial Disputes Act 1947 has been duly published by the Government of India in the Gazette of India dated 11th July, 1964, being S.O. 2442 at pages 2899 to 2905.

And whereas the issue herein arising is at page 2904 of the Gazette of India, Part II, Section 3(ii) dated 11th July, 1964 and reads as follows:—

“Whether termination of services of Shri Madhav S/o. Bharose is justified? If not, to what relief is he entitled?”

And whereas at the final hearing of the case, the parties arrived at a settlement of the issue and have filed a joint application hereto annexed asking that the Arbitrator may be pleased to make an Award in terms of the Settlement. I accept the terms of the Settlement and adopt the same and hereby make an Award in terms thereof.

This Award is signed at Bombay this the 8th day of July, 1968.

Sd./- F. JEEJEEBHOY,
Arbitrator.

BEFORE SHRI F. JEEJEEBHOY, ARBITRATOR, BOMBAY.

In the matter of Arbitration Agreement dated 19th June, 1964, Under Section 10A of the I.D. Act.

BETWEEN

The Associated Cement Cos., Ltd., Kotma Colliery, P.O. Kotma Colliery (Dist., Shahdol) M.P.

AND

Its Workmen as represented by Kotma Colliery Mazdoor Sangh, P.O. Kotma Colliery (Dist., Shahdol).

May it please the Hon'ble Arbitrator:

The parties to the above Arbitration Agreement have arrived at the following Settlement and pray that the Hon'ble Arbitrator may be pleased to make an award in terms thereof.

Demand	Terms of Settlement
Whether the termination of service of Shri Madhav S/o. Bharose is justified? If not to what relief is he entitled?	The Union states that Shri Madhav S/o. Bharose, Miner, whose services were terminated by the Company from 3rd June, 1962, on medical grounds is now fit to work as a miner. The Company agrees to offer him employment on production of a Medical Certificate about his fitness to work underground from a Civil Surgeon and also on his being certified fit by the Colliery's Medical Officer.
	The Union agrees that this offer of employment will be open for a period upto 31st August, 1968.

Demand

Terms of Settlement

At the suggestion of the Hon'ble Arbitrator, the Company will pay *ex-*arbitra*ta* amount of Rs. 500 to Shri Madhav on compassionate grounds when he reports for duty.

Dated at Bombay, this 28th day of June, 1968.

For the workmen as represented by Kotma Colliery Mazdoor Sangh.

(Sd.) RAMTIRATH PANDAY,
President.

For The Associated Cement Cos.,
Ltd., Kotma Colliery.

(Sd.) G. L. GOVIL,
Labour Relations Adviser.

Sd./- AFSAR ALI,
Vice President,
Sd./- R. K. SOM,
General Secy.

Witnesses:

1. (Sd.) Illegible.
2. (Sd.) Illegible.

[No. 8/109/64-LR. II.]

S.O. 2773.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the employers in relation to the Associated Cement Companies Limited, Kotma and their workmen which was received by the Central Government on the 22nd July, 1968.

ARBITRATION AWARD

In the matter of:

The Associated Cement Cos. Ltd., Kotma Colliery, Kotma. (M.P.)

AND

Their Workmen, as represented by the Kotma Colliery Mazdoor Sangh, Kotma (M.P.).

Pursuant to an Agreement between the parties dated 23rd August 1965 referring the matter contained therein to the Arbitration of Mr. F. Jeejeebhoy, Last President, Labour Appellate Tribunal of India, residing at Firuz Ara, 180 Queen's Road, Churchgate Reclamation, Bombay.

PRESENT:

Shri F. Jeejeebhoy, Barrister-at-Law, Arbitrator.

For the Employers.—Mr. I. M. Nanavati, Advocate. Mr. G. L. Govil: Mr. M. S. Kapur

For the Workmen.—Mr. Ramtirath Panday, President. Mr. Afsar Ali, Vice-President. Mr. R. K. Som, General Secretary, Kotma Colliery Mazdoor Sangh, Kotma.

AWARD

Whereas by an Agreement between the Association Cement Cos. Ltd., Kotma, on the one hand and the Workmen represented by Kotma Colliery Mazdoor Sangh, on the other have referred certain disputes to the arbitration of Mr. F. Jeejeebhoy, Last President of the Labour Appellate Tribunal of India, residing at Firuz Ara, Churchgate Reclamation, Bombay 1;

And Whereas the parties had agreed that the decision of the said Arbitrator shall be binding on them:

And whereas the said Agreement which was made under Section 10A of the Industrial Disputes Act 1947 has been duly published by the Government of India in the Gazette of India dated 25th September 1965 being S. O. 2974 as pages 3219/3220.

And whereas the issue herein arising is at page 3220 of the Gazette of India, Part II, Section 3(ii) dated 25th September 1965 and reads as follows:—

"Whether the curtailment of leave facilities in respect of workmen brought on monthly rates of pay with effect from February 1961 is justified? If not, to what relief are such workmen entitled?"

And whereas at the final hearing of the case, the parties arrived at a settlement of the issues and have filed a joint application hereto annexed asking that the Arbitrator may be pleased to make an Award in terms of the Settlement. I accept the terms of the Settlement and adopt the same and hereby make an Award in terms thereof.

This Award is signed at Bombay this the 8th day of July 1968.
m (Sd.) F. JEEJEEBHoy, Arbitrator.

BEFORE SHRI F. JEEJEEBHoy ARBITRATOR, BOMBAY

In the matter of Arbitration Agreement dated 23rd August 1965 under Sec.10A of the I.D. Act.

BETWEEN

BETWEEN

The Associated Cement Cos. Ltd., Kotma Colliery, P.O. Kotma Colliery,
(Distt. Shahdol) M.P.

AND

Its Workmen as represented by Kotma Colliery Mazdoor Sangh, P.O. Kotma
Colliery (Distt. Shahdol) M.P.

May it please the Hon'ble Arbitrator:

The parties to the above Arbitration Agreement have arrived at the following settlement and pray that the Hon'ble Arbitrator may be pleased to make an Award in terms thereof:—

Demand	Terms of Settlement
<p>Whether the curtailment of leave facilities in respect of workmen brought on monthly rates of pay with effect from February 1961 is justified? If not, to what relief are such Workmen entitled?</p>	<p>The claim preferred by the Union is identical to the claim made by the Workmen of Nowrozabad Colliery in Ref. No. 19 of 1968. The C.G.I.T. Bombay by its Award dated 8th January 1965 allowed the claim of the Workmen. However, on a Writ Petition No. 654 of 1965 filed by the Company, the Bombay High Court quashed the said Award of the Tribunal. In view of this, the Union agrees and accepts that there has been no curtailment of leave facilities in respect of the Workmen brought on monthly rates of pay with effect from February 1961. The Union does not press for the demand.</p>

Dated at Bombay, this 28th day of June, 1968.

For the Workmen as represented by
Kotma Colliery Mazdoor Sangh.

(Sd.) RAMTIRATH PANDAY
President.

(Sd.) AFSAR ALI, Vice President.
(Sd.) R. K. SOM, General Secretary.

(Sd) R. K. COM, General Secretary.
Witness:

Wittes

1. (Sd.) Illegible.
2. (Sd.) Illegible.

For The Associated Cement Cos. Ltd.
Kotma Colliery.
(Sd.) G. L. Gevil,
Labour Relations Adviser.

(Sd.) G. L. GOVIL,
Labour Relations Adviser.

Labour Relations Adviser

New Delhi, the 31st July 1968

S.O. 2774.—In pursuance of section 17 of the Industrial Disputes Act, 1917 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Tarmi Colliery Company, Post Office Turliyo, District Hazaribagh and their workmen, which was received by the Central Government on the 24th July, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

CAMP AT DHANBAD

Dated July 17, 1968.

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

Case Ref No. CGIT/LC(R)(102) of 1967 (Jabalpur Tribunal)

Case Reference No. 83 of 1964 (Dhanbad Tribunal)

PARTIES:

Employers in relation to the Tarmi Colliery Company, Post Office, Turliyo District Hazaribagh (Bihar).

Vs.

Their workmen represented through the Secretary, Koyla Mazdoor Panchayat, P.O. Dholi, District Hazaribagh (Bihar).

APPEARANCES:

For employers.—S/Sri S. S. Mukerji, Advocate, & M. L. Baswaria, Proprietor.

For workmen.—S/Sri H. N. Singh, Vice President, Koyla Mazdoor Panchayat, Jharia and Kanhaiya Singh, Branch Secretary, Koyala Mazdoor Panchayat Dholi Unit, Bermo.

INDUSTRY: Coal Mine.

District: Hazaribagh (Bihar).

AWARD

By Notification No. 2/40/64-LR.II dated 16th July 1964, the Ministry of Labour & Employment, Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to Central Govt. Industrial Tribunal, Dhanbad, for adjudication. The case remained pending before the said Tribunal till transferred to this Tribunal *vide* Govt. Notification No. 8/25/67-LR-II, dated 25th April, 1967.

Matter of Dispute

Whether the termination of the services of the following workmen by the management of the Tarmi Colliery Company with effect from the 23rd March, 1964, was justified; if not, to what relief are the workmen entitled?

(1) Sohari Singh, (2) Chet Lal Mahato, (3) Ishak Mian, (4) Gobardhan Mahato, (5) Jiblal Turi, (6) Reshma Kamin, (7) Shanchar Turi, (8) Jalwa Kamin, (9) Keshia Kamin, (10) Ganpat Turi, (11) Bhokhu Turi, (12) Saro Kamin, (13) Babul Singh, (14) Durga Kora, (15) Dehl Singh, (16) Arjun Mohali, (17) Bhado Kamin, (18) Lusa Mohali, (19) Ganjo Kamin, (20) Chaiti Kamin, (21) Nabi Mian, (22) Hemlal Mahato, (23) Jagarnath Rajwar, (24) Reshma Kamin, (25) Lalji Rajwar, (26) Chitaman Singh, (27) Uchit Muni, (28) Bharhan Turi, (29) Shanchar Turi, (30) Somar Turi, (31) Samal Lohar, (32) Jaishman Kamin, (33) Shanchar Bhiya, (34) Bhawani Kora, (35) Katrik Mahato, (36) Prmia Kamin (37) Kewal Mahato, (38) Gyandas B. P. (39) Seto Kamin, (40) Gomu B. P., (41) Dukhani Kamin, (42) Hari-shankar B. P., (43) Basanta Kamin, (44) Nanhaki Dau, (45) Kekari Kamin, (46) Mitthulal B. P., (47) Atwari Kamin, (48) Faguni Kamin, (49) Sheo Moti Kamin, (50) Lukeshari Kamin, (51) Bai Kamin, (52) Mahabir Singh, (53) Makul Mahato, (54) Budhan Rajwar, (55) Meharu Rajwar, (56) Nemchand Rajwar, (57) Tiku Mahato, (58) Lakan Singh, (59) Shohan Rajwar, (60) Ganu Rajwar, (61) Bhudhan Rajwar, (62) Pokhan Rajwar, (63) Kali Rajwar, (64) Durdand Rajwar, (65) Rohan Rajwar, (66) Jenwa Rajwar, (67) Likantha Rajwar, (68) Chitaman Rajwar, (69) Ledo Singh, (70) Puran Mahato, (71) Eshmail Mian (72) Rabi Mahato, (73) Kuli Mahato, (74) Dabu Mahato, (75) Nageshwari Kamin, (76) Sukharu Uraw, (77) Chando

Kamin, (78) Ramkishan Modi, (79) Kamla Kamin, (80) Jiwan Modi (81) Sanjoti Kamin, (82) Jagtul Modi, (83) Kamala Kamin (84) Raghu Mahati, (85) Jhagru Mahato, (86) Daimanti Kamin, (87) Guru Singh, (88) Raghunath Mohali, (89) Shushila Kamin, (90) Bhikhu Mohali, (91) Gangla Kamin, (92) Jageshwar Modi, (93) Bijai Kamin, (94) Mohadi Kamin (95) Paro Kamin, (96) Mathur Modi, (97) Menika Kamin, (98) Pusan Singh (99) Arjuna Singh, (100) Sohari Singh, (101) Balju Dushadh, (102) Mala Mahato, (103) Pati Mahato, (104) Sanu Mahato, (105) Aganu Dusadh, (106) Sadi Mian, (107) Habib Mian, (108) Jagdish Dushadh, (109) Nanhaku Dusadh, (110) Darshan Dushadh, (111) Sudama Kamin, (112) Hari Lal Turi, (113) Doman Kumar, (114) Sukhan Tola, (115) Rashik Kamar, (116) Kamli Kamin, (117) Simoti Kamin, (118) Bhishakhu Kamin, (119) Gaur Kamar, (120) Bhani Kamin, (121) Bosu Kamar, (122) Kishto Kamar, (123) Radh Kamar, (124) Sudra Kamar, (125) Lilbar Manjhi, (126) Basanti Kamin, (127) Shanker Munda, (128) Paltan Munda, (129) Sukar Munda, (130) Akala Mahato, (131) Tula Mahato, (132) Lal Mohan Modi, (133) Bedani Kamin, (134) Amola Modi, (135) Jalesari Kamin, (136) Guhiram Modi, (137) Bijuli Kamin, (138) Dularchand Mahato, (139) Basu Singh, (140) Bhikhu Mohali, (141) Bhab Kamin, (148) Chandu Kamin, (149) Jaimani Kamin, (150) Mittu Dhoobl, (151) Khitu Turi, (152) Njur Kamin, (153) Bhadran Manjhi, (154) Jaimani Kamin, (155) Kari Kamin, (156) Kalu Manjhi, (157) Muchku Manjhi, (158) Fuchu Manjhi, (159) Maheshwar Manjhi, (160) Dalu Manjhi, (161) Chunu Manjhi, (162) Sushila Kora, (163) Modi Kora, (164) Bijar Kora, (165) Parwatia Kamin, (166) Rupia Kamin, (167) Sahadat Mia, (168) Riasat Mian, (169) Lakhannjhi, (170) Purni Kamin, (171) Gopin Manjhi, (172) Fulchand Manjhi, (173) Sukhdeo B. P., (174) Durga Manjhi.

2. Parties filed their written statements before the Dhanbad Tribunal. Rejoinders were, however, filed before this Tribunal and as a result of prelliminary hearing rendered on 21st July 1967 certain additional issues were framed. Tereafter the case had to be adjoined for one reason or the other on different dates till the Union evidence was recorded on 22nd March 1968 at Dhanbad. The Union pressed for the evidence of Sri J. N. Das, Assstt. Labour Commissioner who had made certain enquiries and had inspected the colliery. The evidence appeared material and he was examined on 6th June 1968 at New Delhi. Since, however, the employers had absented they were allowed to cross-examine him on the adjourned date which was 15th July 1968. Sri J. N. Das did not appear on this date and hearing was adjourned to 17th July. A telegraphic information was sent to the Chief Labour Commissioner for appearance of Sri Das on 17th July, 1968 at Dhanbad. Meanwhile good sense prevailed with the parties and they filed a compromise settlement on 16th July 1968, terms of which are reproduced in the annexure to this award. The compromise petition has been verified before me today. On examining the terms it is found that the employers have agreed to pay some compensation to workers mentioned in Annexure A & B. There are certain workmen whose names have been repeated or who are already on the roll of the management or who had left service before 23rd March 1964. Their names have been stated in Annexure C. Another Annexure D mentions names of such workmen who are over and above those not included in the terms of reference and about whom the management has agreed to pay compensation. This matter as also Clauses (4) & (5) which relate to another reference pending before the Industrial Tribunal-cum-Labour Court (Central) No. 2 at Dhanbad is not concerned with the reference in question. The compromise petition, therefore, inasmuch as it relates to the issue under reference is accepted being fair and reasonable and an award is recorded in terms thereof.

(Sd.) G. C. AGARWALA,
Presiding Officer
17-7-1968.

ANNEXURE

Memorandum of Settlement as arrived at by and between the Employers in relation to the Tarmi Colliery and their Workmen on 16th July 1968

NAMES OF PARTIES:

Representing Employers—(1) Shri S. S. Mukherjee, Representative, (2) Sri M. L. Basawatia, Proprietor, Tarmi Colliery.

Representing Workmen—(1) Sri Kanhaiya Singh, Branch Secretary, Koyala Mazdoor Panchayat, Dhori Unit, Bermo, (2) Sri H. N. Singh, Vice President, Koyala Mazdoor Panchayat, Jharia.

Short Recital of the Case

The management of Tarmi Colliery had terminated the services of 174 workmen on 23-3-1964. The workmen in protest of the action of the management got a reference made by the Govt. of India which is pending before the Industrial Tribunal Cum Labour Court (Central), Jabalpur numbered as reference No. CGIT/LC(R) (102)/67.

The parties mutually discussed the whole issue and have amicably arrived at a settlement which both parties are fully satisfied that it is fair and beneficial to the interest of all concern and is reasonable.

That without prejudice to the respective contentions of the parties the terms of the settlement as agreed upon between the parties are given below:—

Terms of Settlement

- (1) It is agreed that the workmen concerned in reference whose services have been terminated by the management of Tarmi Colliery on 23rd March 1964 the termination will stand and they shall be paid compensation in the following manner.
 - (a) Those workmen who have completed three months service shall be paid one week's wages. The names of such workmen are mentioned in Annexure 'A' of this settlement.
 - (b) Those workmen who have completed six months services or have served for more than three months shall be paid two weeks' wages instead of one week's wages offered by the Management. The names of such workmen are mentioned in Annexure 'B' of this settlement.
 - (c) That the names of some workmen mentioned in the Schedule of the Reference have been repeated, some are not on rolls of the Management and have been included due to inadvertance. There are also workmen who left the services of the Management before 23rd March 1964 and there is a workman whose service has been retained on the said date. The Management has filed a statement before the Tribunal on 2nd August 1967. Those workmen will not be entitled to any payment or any other compensation. The names of such workmen are mentioned in Annexure 'C' of this settlement.
- (2) It is agreed that the management shall pay the aforesaid compensation to the workmen mentioned in Annexure 'A' & 'B' on any working day during the working hours and the concerned workmen should collect the same within two months after which they will have no claim to the said amount.
- (3) It is agreed that those workmen who in protest to the termination of their services have not taken their wages shall also be entitled to receive the same from the management along with the compensation as aforesaid and in the same manner as in para (2) above.
- (4) It is agreed that issue No. 2 of reference 72 of 1965, now pending before the Central Govt. Industrial Tribunal Cum Labour Court (No. 2) at Dhanbad shall also be dropped in terms of this settlement so far as it relates to 174 workmen whose services were terminated on 23rd March 1964 of Reference No. 102/67. It is also agreed that it will have no affect on the 28 workmen whose services were terminated on 8th May 1964 as mentioned in Item No. 1 of the Schedule of Reference No. 72 of 1965.
- (5) It is also agreed that the parties will file a separate petition along with the settlement regarding issue No. 2 of the Schedule of the Reference No. 72 of 1965 before the Central Govt. Industrial Tribunal (No. 2) Dhanbad in terms of this agreement.
- (6) It is agreed that this settlement shall be binding on all the workmen whose services were terminated on 23rd March 1964 and the management will also pay compensation to the remaining workmen beyond 174 workmen whose names have not been included in the Reference. The names of such workmen are mentioned in Annexure 'D'. The payment of the compensation to these workmen will also be on the same terms and manner as agreed in para (1) (a) & (b) & (2) above.

(7) It is agreed that the parties will bear their own respective costs of the proceedings of Reference No. 102/67.

For Workmen

(1) (Sd.) SRI KANHAIYA SINGH,
Branch Secretary,
Koyal Mazdoor Panchayat,
Dhori Unit, Bermo.
(2) (Sd.) SRI H. N. SINGH,
Vice President,
Koyal Mazdoor Panchayat,
Jharia.

For Employee

(1) (Sd.) S. S. MUKHERJEE,
Representative.
(2) (Sd.) M. L. BASAWATIA,
Proprietor.

PART OF AWARD

(Sd.) G. C. AGARWALA,
Presiding Officer,
Industrial Tribunal-Cum-Labour Court,
(Central) Jabalpur.
17-7-68.

ANNEXURE 'A'

THE NAMES OF WORKMEN WHO HAVE COMPLETED THREE MONTHS SERVICE

Sl. No. the Ref.	Name
1	Sohari Singh
2	Chetlal Mahto
3	Ishak Mian
9	Keshia Kamin
12	Saro Kamin
13	Babulal Singh
14	Durga Kora
15	Debi Singh
21	Nabi Mian
22	Hemlal Mahto
25	Lalji Rajwar
29	Sanichar Turi
30	Somar Turi
31	Samlal Lohar
38	Gyandas B.P.
39	Seto Kamin
40	Gomo B.P.
41	Dukhani Kamin
42	Harishanker B.P.
43	Basanta Kamin
44	Nanhaki Dau
45	Kekari Kamin
46	Mithulal B.P.
47	Etware Kamin
48	Faguni Kamin
52	Mahabir Singh
53	Nakul Mahto
54	Budhan Rajwar
55	Meharu Rajwar
56	Nemchand Rajwar
57	Tiku Mahto
58	Lakhan Singh
59	Sohan Rajwar
60	Ganu Rajwar
62	Pokhan Rajwar
63	Kali Rajwar
64	Durhanchand Rajwar
65	Rohan Rajwar

Sl. No. Name
of the
Ref.

67 Nilkantha Rajwar
68 Chitaman Rajwar
69 Ledo Singh
74 Debu Mahto
78 Ramkishun Modi
79 Kamala Kamin
80 Jiwan Modi
81 Sanjoti Kamin
82 Jagtul Modi
83 Kamala Kamin
84 Raghu Mahto
87 Guru Singh
89 Sushila Kamin
92 Jageshwar Modi
95 Paro Kamin
96 Mathur Modi
98 Pusan Singh
99 Arjuna Singh
101 Baiju Dushadh
103 Pati Mahto
104 Sanu Mahto
105 Agnu Dushadh
109 Nanhaku Dushadh
110 Darshan Dushadh
111 Sudama Kamin
112 Harilal Turi
113 Doman Kamar
115 Rashik Kamar
116 Kamli Kamin
118 Bashakhu Kamin
119 Gaur Kamar
121 Bostu Kamar
122 Kisto Kamar
123 Radh Kamar
126 Basanti Kamin
127 Shanker Munda
128 Paltan Munda
130 Akalu Mahto
131 Tula Mahto
132 Lalmohan Modi
133 Bedani Kamin
134 Amola Modi
135 Jalesari Kamin
136 Guhiram Modi
137 Bijuli Kamin
138 Dularchand Mahto
139 Basu Singh
143 Samser Bahadur
145 Nirmal Kamar
147 Bhabi Kamin
152 Niur Kamin
154 Jaimani Kamin
156 Kalu Manjhi
157 Muchku Manjhi
158 Fuchu Manjhi
159 Maheshwar Kora
160 Dalu Manjhi
161 Chunu Manjhi
162 Sushila Kora
163 Madi Kora
164 Bijar Kora
165 Parwatis Kamin
169 Lakhai Manjhi
170 Purni Kamin

Sl. No.
of the
Ref. Name

171 Gopin Manjhi
172 Fulchand Manjhi
174 Durga Manjhi

For Workmen

(1) (Sd.) KANHAIYA SINGH,
Branch Secretary
Koyal Mazdoor Panchayat,
Dhori Unit, Bermo.

(2) (Sd.) H. N. SINGH,
Vice President
Koyal Mazdoor Panchayat,
Jharia.

For Employers

(1) (Sd.) S. S. MUKHERJEE,
Representative

(2) (Sd.) M. L. BASAWATIA,
Proprietor.

ANNEXURE 'B'

The names of Workmen who have completed Six Months Service or have served for more than Three Months

Sl. No.
of the
Ref. Name

4 Gobardhan Mahto
5 Jivlal Turi
6 Resmi Kamin
7 Sanichar Turi
10 Ganpat Turi
11 Bhokhu Turi
23 Jagarnath Rajwar
33 Sanichar Bhuia
34 Bhawani Kora
36 Pcmia Kamin
76 Sukharu Uraw
77 Chando Kamin
173 Sukhdeo Ram

For Workmen

(1) (Sd.) KANHAIYA SINGH,
Branch Secretary,
Koyal Mazdoor Panchayat,
Dhori Unit, Bermo.

(2) (Sd.) H. N. SINGH,
Vice President,
Koyal Mazdoor Panchayat,
Jharia.

For Employers

(1) (Sd.) S.S. MUKHERJEE,
Representative

(2) (Sd.) M. L. BASAWATIA
Proprietor.

ANNEXURE 'C'

The Names of Workmen whose Names have been repeated; who were not on Rolls of the Colliery on 22-3-1964; who left Services before 23-3-1964 and whose Service has been retained on 23-3-64.

Names of the workmen who were not on the rolls of the colliery on 22-3-1964

Sl. No. of the reference	Name
8	Jalwa Kamin
19	Gango Kamin
26	Chitaman Singh
35	Katik Mahto
49	Shacomoti Kamin
50	Likeshari Kamin
51	Bai Kamin
66	Jenwa Rajwar
70	Puran Mahto
71	Eshamail Mian
72	Rabi Mahto
73	Kuli Mahto
75	Nageshwari Kamin
85	Jhagru Mahto
86	Daimanti Kamin
88	Raghunath Mohali
90	Bhikhu Mohali
91	Gangia Kamin
93	Bijai Kamin
94	Mehadi Kamin
97	Menika Kamin
102	Mala Mahto
106	Sadi Mian
107	Habib Mian
108	Jagdish Dushadh
114	Sukhan Tola
117	Simodi Kamin
120	Bhani Kamin
124	Sudra Kamar
125	Nilbar Manjhi
129	Sukar Munda
140	Bhikhu Mohali
141	Lal Mahto
144	Rosi Kamar
150	Mithu Dhobi
151	Khitu Turi
153	Bhadran Manjhi
166	Rupia Kamin
168	Riasat Main

For Workmen

1 (Sd.) KANHAIYA SINGH
Branch Secretary,
Koyal Mazdoor Panchayat,
Dhori Unit, Bermo.

2 (Sd.) H. N. SINGH,
Vice President
Koyal Mazdoor Panchayat,
Jharia.

For Employers

1 (Sd.) S. S. MUKHERJEE,
Representative

2 (Sd.) M. L. BASAWATIA,
Proprietor

Names of the workmen who left service of the colliery before 23-3-1964

Sl. No. of the Ref.	Name
16	Arjun Mohali
17	Bhado Kamin
18	Lusa Mohali
20	Chaiti Kamin
27	Uchit Muni
37	Kewal Mahto
155	Kari Kamin
167	Sahadat Mian

Names of the workmen whose names are repeated

1/100	Sohari Singh
6/24	Reshma Kamin
32/149/154	Jaimania Kamin
36/146	Pemia Kamin
54/61	Budhan Rajwar
77/148	Chando Kamin
103/142	Pati Mahto

Names of the workmen whose service has been retained and not terminated
on 23-3-1964

28 Bharhan Turi

For Workmen

(1) (Sd.) KANAHAIYA SINGH,
Branch Secretary
 Koyal Mazdoor Panchayat,
 Dhori Unit, Bermo.

(2) (Sd.) H. N. SINGH,
(Vice President)
 Koyal Mazdoor Panchayat,
 Jharia.

For Employers

(1) (Sd.) S. S. MUKHERJEE,
Representative

(2) (Sd.) M. L. BASAWATIA,
Proprietor

ANNEXURE 'D'

Names of workmen whose services were terminated on 23-3-1964 but whose names have not been included in the Reference :—

Serial No.	Name
1	Fulchand Munda
2	Nandbai Kamin
3	Sampati Kamin
4	Jhari Manjhi
5	Suku Manjhi
6	Churu Manjhi
7	Shikar Manjhi
8	Jagan Manjhi
9	Dewan Manjhi
10	Lakhan Manjhi (II)
11	Sitaram Manjhi
12	Jainath Rajwar
13	Jadu Mahto
14	Dewan Modi

Serial No. Name

15 Rawan Modi
 16 Ranglal Mahto
 17 Panchu Singh
 18 Sanichar Singh
 19 Sukari Kamin
 20 Mehadji Modi
 21 Rosana Kamin
 22 Mithala Kamin
 23 Damani Kamin
 24 Tekram
 25 Bhuri Kamin
 26 Dukhani Kamin
 27 Surajmani Kamin
 28 Lilmani Kamin
 29 Chandmani Kamin
 30 Fulmani Kamin
 31 Jhalu Rajwar
 32 Bhiku Rajwar
 33 Bhola Ram Mahto
 34 Sibu Rajwar
 35 Budhan Manjhi
 36 Kadami Kamin
 37 Sheopati Kamar
 38 Sundari Kamin
 39 Shakuntala Kamin
 40 Panchu Singh
 41 Ramlal Mahto
 42 Sukarmani Kamin
 43 Chhotu Mahto
 44 Chitawan Mahto
 45 Godam Singh
 46 Rameshwar Singh
 47 Babulal Manjhi
 48 Debi Mahto
 49 Debilal Manjhi
 50 Lilamber Tanti
 51 Jagdish Mahto
 52 Sahajnath Munda
 53 Amia Kamin
 54 Sonia Kamin
 55 Bhado Manjhi
 56 Lugni Kamin

For Workmen

(1) (Sd.) KANHAIYA SINGH,
 Branch Secretary
 Koyalal Mazdoor Panchayat,
 Dhori Unit, Bermo.

(2) (Sd.) H. N. SINGH,
 Vice President
 Koyalal Mazdoor Panchayat,
 Jharia.

For Employers

(1) (Sd.) S. S. MUKHERJEE,
 Representative

(2) (Sd.) M. L. BASAWATIA,
 Proprietor

[No. 2/40/64-LRII.]

New Delhi, the 3rd August 1968

S.O. 2775.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the employers in relation to the Associated Cement Companies Limited, Kotma and their workmen which was received by the Central Government on the 22nd July, 1968.

ARBITRATION AWARD

In the matter of:

The Associated Cement Cos. Ltd., Kotma Colliery, Kotma (M.P.).

AND

Their Workmen, as represented by the Kotma Colliery Mazdoor Sangh, Kotma, (M.P.).

Pursuant to an Agreement between the parties dated 18th August 1965 referring the matter contained therein to the Arbitration of Mr. F. Jeejeebhoy, Last President, Labour Appellate Tribunal of India, residing at Firuz Ara, 160 Queen's Road, Churchgate Reclamation, Bombay.

PRESENT:

Shri F. Jeejeebhoy, Barrister-at-Law, Arbitrator.

For the employers.—Mr. I. M. Nanavati, Advocate, Mr. G. L. Govil, Mr. M. S. Kapur.

For the workmen.—Mr. Ramtirath Pandey, President, Mr. Afsar Ali, Vice-President, Mr. R. K. Som, General Secretary, Kotma Colliery Mazdoor Sangh, Kotma.

AWARD

Whereas by an Agreement the Associated Cement Cos. Ltd., Kotma, on the one hand and the Workmen represented by Kotma Colliery Mazdoor Sangh on the other have referred certain disputes to the arbitration of Mr. F. Jeejeebhoy, Last President of the Labour Appellate Tribunal of India, residing at Firuz Ara, Churchgate Reclamation, Bombay 1;

And whereas the parties had agreed that the decision of the said Arbitrator shall be binding on them;

And whereas the said Agreement which was made under Section 10A of the Industrial Disputes Act 1947 has been duly published by the Government of India in the Gazette of India dated 16th October 1965 being S.O. 3243 at page 3418;

And whereas the issue herein arising is at page 3418 of the Gazette of India, Part II, Section 3(ii) dated 16th October 1965 and reads as follows:—

“Whether the dismissal of Shri Abdul Rahman, Miner, from the Company's service is justified? If not, to what relief, if any, the concerned workman is entitled.”

And whereas at the final hearing of the case, the parties arrived at a settlement of the issue and have filed a joint application hereto annexed asking that the Arbitrator may be pleased to make an Award in terms of the Settlement. I accept the terms of the Settlement and adopt the same and hereby make an Award in terms thereof.

This Award is signed at Bombay this the 8th day of July 1968.

(Sd.) F. JEEJEEBHOY,
Arbitrator.

BEFORE SHRI F. JEEJEEBHOY, ARBITRATOR, BOMBAY

In the matter of Arbitration Agreement dated 13th August 1965 under Section 10A of the I.D. Act.

BETWEEN

The Associated Cement Cos. Ltd., Kotma Colliery, P.O. Kotma Colliery (Distt. Shahdol) M.P.

AND

Its Workmen as represented by Kotma Colliery Mazdoor Sangh, P.O. Kotma Colliery (Distt. Shahdol).

May it please the Hon'ble Arbitrator:

The parties to the above Arbitration Agreement have arrived at the following Settlement and pray that the Hon'ble Arbitrator may be pleased to make an Award in terms thereof:—

Demand:

Whether the dismissal of Sri Abdul Rehman, Miner from the Company's service is justified? If not, to what relief, if any, the concerned workman is entitled?

Terms of Settlement

It is agreed that the Workman shall make an Application to the Manager expressing his regrets for the misconduct he had committed as a result of which he had been dismissed from 17th August 1964.

It is further agreed that within 7 days of the receipt of the aforesaid apology, the Company will employ Abdul Rehman as a new entrant on the job of a Miner.

At the suggestion of the Hon'ble Arbitrator, the Company will pay ex-gratia amount of Rs. 500/- to Shri Abdul Rehman on compassionate grounds when he reports for duty.

The Union agrees that this offer of employment will be open for a period upto 31st August 1968.

Dated at Bombay, this 28th day of June 1968.

For the workmen as represented by

Kotma Colliery Mazdoor Sangh.

(Sd.) RAMTIRATH PANDEY,

President.

(Sd.) AFSAR ALI,

Vice President.

(Sd.) R. K. SOM,

General Secretary.

Witness:

1. (Sd.) Illegible.

2. (Sd.) Illegible.

For the Associated Cement Cos. Ltd.,
Kotma Colliery.

(Sd.) G. L. GOVIL,
Labour Relations Adviser.

[No. 8/80/65-LRII.]

BALWANT SINGH, Under Secy.